

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.08.2020

CORAM:

THE HONOURABLE MR.JUSTICE N.**SATHISH KUMAR**

Application No. 693 of 2020

M/s.INMA International Limited,
rep. by its Chairman and Managing Director,
Mr.G.Rathinavelu,
No.251, (Old) No.292,
Avvai Shanmugam Salai,
Gopalapuram, Chennai-86. ... Applicant

Vs.

1. M/s.Mosmetro India (Pvt.) Limited,
rep. by its Power of Attorney Agent,
U.Vijay Mehta,
No.88/150, 2nd Floor, Office No.9,
Dharma Towers, Nelson Manickam Road,
Choolaimedu, Chennai-600 094.

2. M/s.Mosmetrostroy, Russia,
rep. by its Power of Attorney Agent
U.Vijay Mehta,
No.88/150, 2nd Floor, Office No.9,
Dharma Towers, Nelson Manickam Road,
Choolaimedu, Chennai-600 094.

3. The Chennai Metro Rail Limited,
rep. by its Chairman and Managing Director,
CMRL Depot, Admn. Building,
Poonamallee Main Road,
Koyambedu, Chennai-600 107.

... Respondents

PRAYER: Application filed under Order XIV Rule 8 of O.S.Rules r/w Sec.9 of the Arbitration and Conciliation Act, 1996, praying to issue a prohibitory order as against the 3rd respondent prohibiting the 3rd respondent from parting with amounts to the extent of Rs.12,70,89,597/- to the 1st respondent and to deposit the said amount before this Hon'ble Court to the credit of the above application.

For Applicant : Mr.T.Saikrishnan

For Respondents : Mr.Jayesh B.Dolia

ORDER

This application has been filed seeking for prohibitory order as against the 3rd respondent from parting with the amount to the extent of Rs.12,70,89,597/- to the 1st respondent.

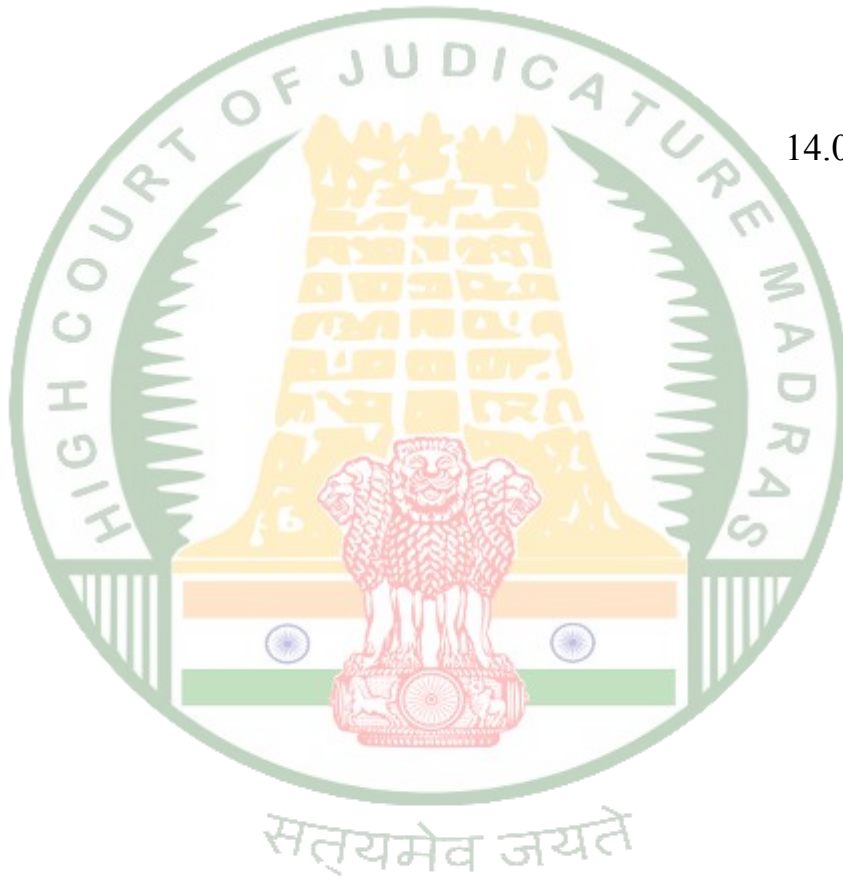
2. This court is of the view that this application, as such, at this stage, is not maintainable, since the amount has not been quantified the entire amount claimed, and it always would depend upon the result of arbitration proceedings pending with the metro rail/1st respondent. Without being the amount quantified, there cannot be any order for direction to withhold this amount. At this stage, the learned counsel appearing for the applicant seeks to withdraw this application with a permission to renew the application after the award is passed in favour of the principal of the 1st respondent. The liberty is granted to the applicant.

3. The learned counsel appearing for the applicant has also requested that the 3rd respondent may inform the applicant as to the nature of the award that may be passed in the arbitral proceedings pending in this regard. Taking note of the nature of rights claimed by the applicant, this court is of the view that though there is no privity of contract between the applicant and the 3rd respondent and informing the result of the arbitration proceedings, no prejudice would be caused to the respondents viz., 3rd respondent.

Accordingly, the 3rd respondent is directed to inform the result of the arbitral proceedings to the applicant immediately after the proceedings are culminated into award. Accordingly, this application is dismissed as withdrawn.

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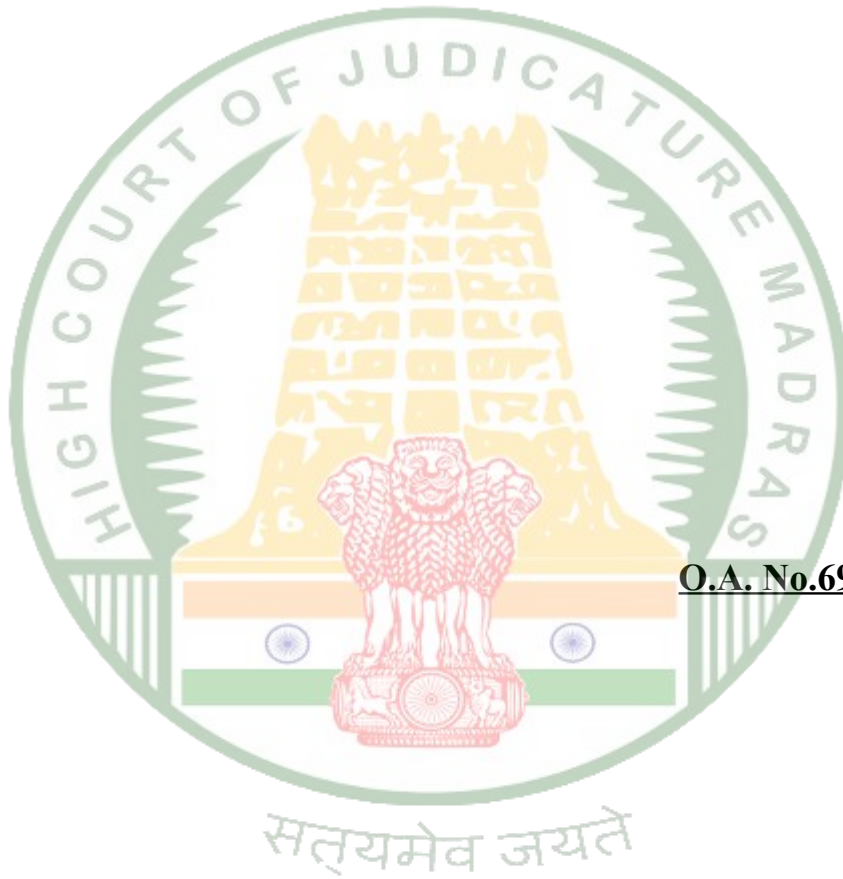
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N. SATHISH KUMAR, J.

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