

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 21.09.2020

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISHKUMAR

O.A.No.183 of 2020 and

A.No.1255 of 2020

Prince Pipes and Fittings Limited,
rep. by its Executive Director/Authorised Signatory,
Mr.parag Chheda, the Ruby, 8th floor, No.29,
Senapati Bapat Road, Dadar,
Mumbai 400 028. ... Applicant

Vs.

1. GPF Power Solutions Pvt. Ltd.,
regd office at No.47, 2nd Main Road,
Extn.5, VGN Mahalakshmi Nagar,
Chennai 600 077.
2. GPR Estates, rep. by its Chief Executive Office,
S.Dhamotharan, office at No.47, 2nd Main Road,
Extn.5, VGN Mahalakshmi Nagar,
Chennai 600 077.
3. Indian Bank, Maduravoyal Branch,
Chennai 600 095. ... Respondents

Prayer : Application filed under Order XIV Rule 8 of the original Side Rules read with Section 9 of the Arbitration and Conciliation Act, 1996 read with Section 151 of CPC to grant an order of ad-interim injunction

restraining the respondents from operating the accounts bearing Nos.6753754276 and 6756720550 maintained with the 3rd respondent, pending disposal of the arbitration proceedings.

For Applicant : Mr.G.Vivekanand

For Respondents : Mr.T.Thiyageswaran

for M/s Waran and Sairams

ORDER

This application in O.A.No.183 of 2020 has been filed under Section 9 of the Arbitration and Conciliation Act for interim measure to grant ad-interim injunction restraining the respondents from operating the accounts bearing Nos.6753754276 and 6756720550 maintained with the 3rd respondent, pending disposal of the arbitration proceedings.

2. As per the Power Purchase Agreement, the parties are agreed to refer the matter before the Arbitrator, in the event of any dispute arises between them.

3. The Learned counsels appearing for both sides fairly conceded that the matter can be referred to the Sole Arbitrator and both counsel agreed to appoint Mr.M.K.Kabir, Senior Counsel, as sole Arbitrator.

4. Accordingly, by consent of both the counsels, it is ordered as follows:

i) That Mr.M.K.Kabir, Senior Advocate, (R) APT, C, Sree Illam, AJ 124, First Floor, Off 9th Main Road, Anna Nagar, Chennai 600 040, Mobile 9840044258, 9840186506 be and is hereby appointed as Arbitrator to enter upon the reference and adjudicate the disputes inter se the parties.

ii) That the learned Arbitrator appointed herein, shall after issuing notice to the parties and upon hearing them, pass an award as expeditiously as possible, **preferably within a period of six months from the date of receipt of the copy of this order.**

iii) That the learned Arbitrator appointed herein shall be at liberty to fix his remuneration and other incidental expenses, which shall be borne by the parties equally.

5. The learned counsel appearing for the applicant submitted that there is no claim pending with the applicant, as against the respondents No.4 and 28 in A.No.1255 of 2020. Recording the submission made by the learned counsel for the applicant, **the application in A.No1255 of 2020 is dismissed as against respondents No.R4 and R28.**

6. It is for the applicant to seek interim relief if any, before the Arbitrator. Other disputes can also be agitated by both the parties before the Arbitrator.

7. The interim order already granted by this court in the application shall continue for a period of one month from today.

8. The Original application is ordered accordingly, leaving the parties to bear their own costs. Consequently, connected application in A.No.1255 of 2020 is closed.

21.09.2020

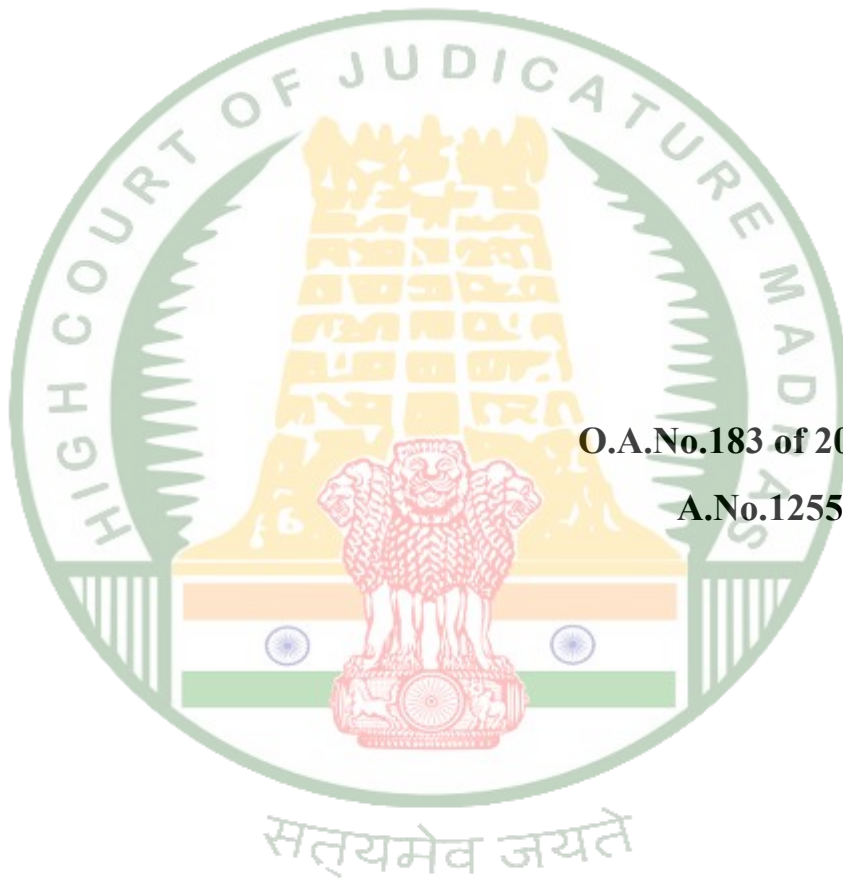
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*O.A.No.183 of 2020 and
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N. SATHISHKUMAR, J.

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