

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

WEDNESDAY, THE 18TH DAY OF MARCH 2020

THE HON'BLE MR. JUSTICE N.SATHISH KUMAR

A. No.2222 of 2019

IN

A. No.1261 of 2019

In the matter of Sec 27 Arbitration
& Conciliation Act, 1996

and

In the matter of Arbitration of
dispute between M/s. Gimplex Pvt
Ltd and M/s.Aanchal Cement Ltd
(formerly known as M/s.Kalika
Cement Ltd) in relation to 3 High
Seas Sale agreement dated
17.04.12, 27.04.2012 & 27.04.2012
relating to 52163 MT, 20401 MTS
and 31500 MTS

A.No. 1261 OF 2019:

M/S.AANCHAL CEMENT LTD.,
(formerly known as M/s.Kalika Cement Ltd)
Rep. By its Managing Director,
MR.MANOJ GOEL,
NO 23-A, N.S.ROAD,SUIT -5,7TH FLOOR,
KOLKATTA 700 001.

....Applicant

Vs

M/S. GIMPEX PVT LTD
REP.BY ITS AUTHORISED SIGNATORY
MR.BINOD CHOUDHURY,
NO.282,LINGHI CHETTY STREET,
CHENNAI 600 001.

....Respondent

A.No. 2222 OF 2019 IN A.No. 1261 OF 2019:

M/S. GIMPEX PVT LTD
REP.BY ITS AUTHORISED SIGNATORY
MR.BINOD CHOUDHURY,
NO.282,LINGHI CHETTY STREET,
CHENNAI 600 001.

....Applicant/Respondent

VERSUS

M/S.AANCHAL CEMENT LTD.,
(formerly known as M/s.Kalika Cement Ltd)
Rep. By its Managing Director,
MR.MANOJ GOEL,
NO 23-A, N.S.ROAD,SUIT -5,7TH FLOOR,
KOLKATTA 700 001.

...Respondent/Applicant

Application praying that this Hon'ble Court be pleased to modify
the order dated 15.02.2019 passed in A.No. 1261 of 2019 and issue
necessary direction to the

1. The Deputy Chairman,
Haldia Dock Complex,
Kolkata Port Trust,
Jawahar Tower,
P.O.Haldia Township,
Haldia:721 607
Dist: Purbs Medinipore
West Bengal.
2. The Sr. Deputy Manager (SH & CH)
Haldia Dock Complex,
Operational Building,
Chiranjibpur,
Haldia: 721 604
Dist: Purba Medinipore West Bengal

3. The Deputy Commissioner of Customs
Import Noting Department,
Custom House,
15, Strand Road, Kolkata – 700 001.

4. Traffic Manager
Paradip Port Trust,
Jagat Singhpur District,
Paradeep,
Orissa- 754142.

5. Deputy Commissioner
Customs and Central Excise Department,
Paradeep,
Orissa – 754142.

to produce the HSS Agreement before the Arbitrator Tribunal.

The Hon'ble Mr. Justice K. Govindarajan, Sole Arbitrator, New No.8, Old
No. 5, Justice Ramanujam Road, Malaviya Avenue, Shastri Nagar, Chennai
– 600 004, relating to the import and clearance in the name of Kalika
Cements Limited, of Portland Cement Clinker from

I. Unloaded from the Vessel MV LINDOS from 22.04.2012 in Pardip
port.

II. Unloaded from the Vessel MV SIMGE AKSOY from 03.05.2012 in
Pardip port.

III. Unloaded from the Vessel MV LINDOS from 30.04.2012 in Haldia
port.

IV. Unloaded from the Vessel MV SIMGE AKSOY from 10.05.2012 in
Haldia port.

This Application coming on this day before this court for hearing the court made the following order:

This application has been filed to modify the order dated 15.02.2019 passed in A.No.1261 of 2019.

2.Learned counsel for the applicant submitted that modification was already ordered.

3.In view of the above submission, nothing survives in this application.

4.Accordingly, this application is dismissed as infructuous.

Sd/.N.S.K.J
18.03.2020

//Certified to be a true copy//

Dated this the th day of 2020.

SS/28.05.2020 COURT OFFICER(O.S.)

From 25.09.2008 the Registry is issuing certified copies of the Order/Judgment Decree in this format.