

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 21.09.2020

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISHKUMAR

O.A.No.273 of 2020

GPF Power Solutions Pvt. Ltd.,
rep. by its Director and authorised signatory,
Mr.S.Reghunathan, No.76, 2nd Main Road,
Extn.5, VGN Mahalakshmi Nagar,
Thiruverkadu, Chennai 600 077. ... Applicant

Vs.

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. ... Respondent

Prayer : Application filed under Order XIV Rule 8 of the original Side Rules read with Section 9 of the Arbitration and Conciliation Act, 1996 to grant an order of ad-interim injunction restraining the respondent from in any manner use or implement the Power Project on the basis of the Engineering Design and documentation submitted by the applicant, which is annexed with the Judge's summons.

For Applicant : Mr.T.Thiageswaran

for M/s Waraon & Sai Rams

For Respondent : Mr.G.Vivekanand

ORDER

This petition has been filed under Section 9 of the Arbitration and Conciliation Act for interim relief to grant ad-interim injunction restraining the respondent from using or implementing the power project on the basis of the Engineering, Design and Documentation, submitted by the applicant.

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 the counsels agreed to appoint Mr.M.K.Kabir, Senior Advocate, 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. 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.

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

7. The Original application is ordered accordingly, leaving the parties to bear their own costs.

21.09.2020

Index: Yes/No
Internet: Yes/No
Speaking/non speaking Order
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