

THE HIGH COURT OF JUDICATURE AT MADRAS

Date 17.09.2020

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

O.A.Nos.317, 318, 319, 320, 321, 322, 323 & 324 of 2020
& A.Nos.1704, 1705 & 1706 of 2020

M/s.Ingenierie Technologies Solutions Pvt. Ltd.,
Represented by its Authorized representative
Mr.Vamsi Krishna Gandavaram,
Office at No.558, Swarna Heights, Arora Colony,
Road No.3, Banjara Hills, Hyderabad – 500 034
currently having its registered Office at
No.19/67, 2nd Floor Jupiter Complex,
Dr,Ranga Road, Mylapore, Chennai – 600 004.

... Applicant in
all applications

Versus

Pallavan Transport Consultancies Services Ltd.,
Represented by its Managing Director,
100 feet Road, Institute of Road Transport Campus,
Taramani, Chennai – 600 013.

... Respondent in
O.A.317 of 2020

1. Pallavan Transport Consultancies Services Ltd.,
Represented by its Managing Director,
100 feet Road, Institute of Road Transport Campus,
Taramani, Chennai – 600 013.

2. Tamil Nadu State Transport Corporation (Villupuram) Ltd.,
Represented by its Managing Director,
3/137, Salamedu. Villupuram – 605 602. ... respondents in
O.A.No.318 of 2020
1. Pallavan Transport Consultancies Services Ltd.,
Represented by its Managing Director,
100 feet Road, Institute of Road Transport Campus,
Taramani, Chennai – 600 013.
2. Metropolitan Transport Corporation,
Represented by its Managing Director,
Pallavan House, Anna Salai, Chennai – 600 002. ... respondents in
O.A.No.319 of 2020
1. Pallavan Transport Consultancies Services Ltd.,
Represented by its Managing Director,
100 feet Road, Institute of Road Transport Campus,
Taramani, Chennai – 600 013.
2. Tamil Nadu State Transport Corporation (Salem) Ltd.,
Represented by its Managing Director,
12, Ramakrishna Road, Salem – 636 007. ... respondents in
O.A.No.320 of 2020
1. Pallavan Transport Consultancies Services Ltd.,
Represented by its Managing Director,
100 feet Road, Institute of Road Transport Campus,
Taramani, Chennai – 600 013.
2. Tamil Nadu State Transport Corporation (Tirunelveli) Ltd.,
Represented by its Managing Director,
No.23/2, Tuticorin Road, K.T.C. Nagar,
Tirunelveli – 627 011. ... respondents in
O.A.No.321 of 2020

1. Pallavan Transport Consultancies Services Ltd.,
Represented by its Managing Director,
100 feet Road, Institute of Road Transport Campus,
Taramani, Chennai – 600 013.

2. State Express Transport Corporation (Tamil Nadu) Ltd.,
Represented by its Managing Director,
“Thiruvalluvar House”, No.2, Pallavan Salai,
Chennai – 600 002.

... respondents in
O.A.No.322 of 2020

1. Pallavan Transport Consultancies Services Ltd.,
Represented by its Managing Director,
100 feet Road, Institute of Road Transport Campus,
Taramani, Chennai – 600 013.

2. Tamil Nadu State Transport Corporation (Kumbakonam) Ltd.,
Represented by its Managing Director,
27, Railway Station New Road,
Kumbakonam – 612 001.

... respondents in
O.A.No.323 of 2020

1. Pallavan Transport Consultancies Services Ltd.,
Represented by its Managing Director,
100 feet Road, Institute of Road Transport Campus,
Taramani, Chennai – 600 013.

2. Tamil Nadu State Transport Corporation (Madurai) Ltd.,
Represented by its Managing Director,
Bye Pass Road, Madurai – 625 010.

... respondents in
O.A.No.324 of 2020

1. Pallavan Transport Consultancies Services Ltd.,
Represented by its Managing Director,
100 feet Road, Institute of Road Transport Campus,
Taramani, Chennai – 600 013.

2. Bank of Baroda,
Khairatabad Market, Hyderabad – 4. ... respondents in
A.No.1704 of 2020

1. Pallavan Transport Consultancies Services Ltd.,
Represented by its Managing Director,
100 feet Road, Institute of Road Transport Campus,
Taramani, Chennai – 600 013.

2. State Bank of India,
No.2 FLR, Surya TWR. Secundradad – 500 003. ... respondents in
A.No.1705 of 2020

1. Pallavan Transport Consultancies Services Ltd.,
Represented by its Managing Director,
100 feet Road, Institute of Road Transport Campus,
Taramani, Chennai – 600 013. ... respondent in
A.No.1706 of 2020

PRAYER in O.A.No.317 of 2020 : Petition filed under Order XIV Rule 8 of Original Side Rules read with Section 9 (II) (a) and (e) of the Arbitration and Conciliation Act, 1996 to issue an order of injunction restraining the respondent their men, servants, agents or any person claiming through them from in manner proceeding with the show cause notice dated 02.06.2020 in letter No.947/C1-613/2009.

PRAYER in O.A.No.318, 319, 320 & 323 of 2020 : Petition filed under Order XIV Rule 8 of Original Side Rules read with Section 9 (II) (a) and (e) of the Arbitration and Conciliation Act, 1996 to issue an order of injunction restraining

the second respondent their men, servants, agents or any person claiming through them from in manner proceeding with the show cause notice dated 10.06.2020 in letter Nos.09713/EDP/TNSTC-(VPM), 32517/EDP/MTC/2019, 434/EDP/TNSTC-Salem/2020 and TNSTC/KUM/CORP-MIS/83/2020 respectively pending disposal of the arbitral proceedings.

PRAYER in O.A.No.321, 322 & 324 of 2020 : Petition filed under Order XIV Rule 8 of Original Side Rules read with Section 9 (II) (a) and (e) of the Arbitration and Conciliation Act, 1996 to issue an order of injunction restraining the second respondent their men, servants, agents or any person claiming through them from in manner proceeding with the show cause notice dated 11.06.2020 in letter Nos.18015/EDP/TNSTC/TNV2013, 023520/EDP-ETM/SETC/2013 and 18015/EDP1/TNSTC/TNV/2013 respectively pending disposal of the arbitral proceedings.

Prayer in A.No.1704 of 2020 : Petition filed under Order XIV Rule 8 of Original Side Rules read with Section 9 (II) (a) and (e) of the Arbitration and Conciliation Act, 1996 to issue an order of direction, directing the 1st respondent not to invoke the bank guarantee a sum of Rs.1.00 Crore Vide guarantee No.09541GPER001613 dated 25.06.2018 and a sum of Rs.35,00,000/- guarantee No.09541GPER001913 issued by the second respondent on 25.06.2018 on behalf of the applicant.

Prayer in A.No.1705 of 2020 : Petition filed under Order XIV Rule 8 of Original Side Rules read with Section 9 (II) (a) and (e) of the Arbitration and Conciliation Act, 1996 to issue an order of direction, directing the 1st respondent not to invoke the bank guarantee issued by the second respondent in guarantee No.0505518BG000378 for a sum of 2.15 Crores on 01.08.2018 on behalf of the applicant.

Prayer in A.No.1706 of 2020 : Petition filed under Order XIV Rule 8 of Original Side Rules read with Section 9 (II) (a) and (e) of the Arbitration and Conciliation Act, 1996 to the first respondent to furnish security a sum of Rs.3,66,76,79,134/- pending disposal of the arbitral proceedings.

For Petitioner : Mr.S.Prabakaran (SC)
for Mrs.A.L.Gandhimathi

Respondents : Mr.Vijayanarayan,
Advocate General
For Mr.K.Moorthy - R1

Mr.C.S.K.Sathish for 2nd respondent in
O.A.No.318/2020

Mr.D.Raghu for 2nd respondent in
O.A.No.320/2020

Mr.Kathiresan for 2nd respondent in
O.A.No.322/2020

COMMON ORDER

These applications have been filed for interim relief restraining the respondents in any manner proceeding with the show cause notice dated 10.06.2020 and 11.06.2020 pending disposal of arbitral proceedings.

2. The dispute primarily appears to be with regard to the contract entered between the parties dated 13.03.2013, 30.05.2014, 03.04.2014, 28.04.2014, 02.06.2014, 05.04.2013, 11.07.2017 and 13.03.2013 respectively for e-ticketing system. As the dispute arise between the parties, a show cause notice has been issued to the applicant. When the matter is posted today for arguments, the learned Senior Counsel for the applicant and the learned Advocate General appearing for the first respondent have consented to refer the matter to a sole arbitrator and they have also agreed for appointment of Honourable Justice Mrs.R.Banumathi, Judge (Retd.), Supreme Court of India, to enter upon reference in this matter.

3. In view of the fact that both sides have consented to have a common arbitrator, instead of going to the merits of this application, if anything decided will have a serious impact on the arbitration proceedings. In such view of the matter, this Court is of the view that it is better to leave the matter for wisdom of the learned arbitror to take a decision.

4. Accordingly, it is ordered as follows:

i) That Mrs.R.Banumathi, Judge (Retd.), Supreme Court of India, residing at Flat No.1N, Kgeyes Eternity, Parvati Street, Kalashetra Colony, Besant Nagar, Chennai - 600 090, Mobile No.7042955477, be and is hereby appointed as the Sole Arbitrator to enter upon reference and adjudicate the disputes *inter se* the parties in respect of each of the contract.

ii) The learned Advocate General also fairly submitted that till four weeks from today, they will not take any coercive steps on the show cause notice issued as against the applicant. The learned Arbitrator shall enter reference within two weeks from the date of receipt of a copy of this Order and on such

reference, the applicant is at liberty to approach the arbitral tribunal for interim measure under section 17 of the Arbitration and Conciliation Act, challenging the show cause notice. The learned arbitrator is also requested to dispose of the application filed for interim measure expeditiously within a reasonable time.

iii) 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 order.

iv) That the learned Arbitrator appointed herein shall be at liberty to fix her remuneration and other incidental expenses.

v) That the parties hereto, shall bear their own costs.

vi) The arbitral proceedings may be conducted either by virtual hearing or by physical hearing as may be decided by the learned arbitrator.

5. This Original Petition is ordered accordingly, leaving the parties to bear their own costs.

17.09.2020

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

vrc

To

Mrs.R.Banumathi, Judge (Retd.),
Supreme Court of India,
Flat No.1N, Kgeyes Eternity,
Parvati Street, Kalashetra Colony,
Besant Nagar, Chennai - 600 090
Mobile No.7042955477

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N. SATHISH KUMAR, J.
vrc



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