

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

FRIDAY, THE 13TH DAY OF MARCH 2020

THE HON'BLE MR. JUSTICE N.SATHISH KUMAR

O.A. No.588 of 2019

In the matter of Arbitration and
Conciliation Act 1996 and
In the matter of Arbitration Agreement
dated 30.03.2013

CHENNAI BUNKERING TERMINAL PRIVATE LIMITED,
NEELADRI, NO.9, CENOTAPH ROAD,
ALWARPET, CHENNAI - 600 018. ..Applicant

-Vs-

BOARD OF TRUSTEES, CHENNAI PORT TRUST,
NO.1, RAJAJI SALAI, CHENNAI - 600 018. ..Respondent

Original Application praying that this Hon'ble Court be pleased to
Grant an order of interim injunction restraining the respondent from
continuing with the construction of the barge jetty pursuant to the work
order dated 31/03/2018 bearing JDC/55/16/E inside the Chennai Port Trust
either by itself or through third parties.

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

This application has been filed seeking for interim injunction under

Section 9. It is an undisputed fact the the Arbitrator has already been
appointed and award has also been passed which was challenged under

Section 34 in O.P.No.415 of 2018.

2.It appears that the above OP was allowed, challenge is also made before the Hon'ble Division Bench in O.S.A.No.171 of 2019. The Hon'ble Division Bench has stayed the operation of the order of the learned Single Judge dated 30.04.2019. While passing the stay, the Hon'ble Division Bench has held that the respondent Port Trust shall be free to undertake fresh tender process, such view of the matter, fresh tender has been called for and the work is under progress, to restrain the above work, this application has been filed.

3.Therefore, taking note of the fact the Hon'ble Division Bench has already given a liberty to the Port Trust to undertake fresh tender process based on which, a new tender has been invited and work is in progress, the work cannot be restrained. Accordingly, the application is dismissed. Further, it is made clear that all rights of the parties will be subject to the result of the OSA.

4.With the above observation, this application is dismissed.

Sd/.N.S.K.J.
13.03.2020

//Certified to be a true copy//

Dated this the day of 2020.

SU/11.06.2020

COURT OFFICER(O.S.)