

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 08TH DAY OF APRIL 2021

THE HON'BLE MR. JUSTICE N.SATHISH KUMAR

A.No.500 of 2021

In the matter of Arbitration and
Conciliation Act, 1996

and

In the matter of O.P.No.762 of 2012
and the Arbitration Award dated
12.07.2014

B.E.MILLIMORIA AND COMPANY LTD

Shiv Sagar Estate 'A' Block Dr.A.B.Road,
Worli, Mumbai-400 018.

..Applicant

-Vs-

TIDEL PARK COIMBATORE LTD.,

4, Rajiv Gandhi Salai,
Taramani, Chennai-600 113.

..Respondent

Application praying that this Hon'ble Court be pleased to appoint an independent agency to carry out an inspection of the civil contract work performed by the Applicant in the premises of Tidel Park Coimbatore Ltd for the purpose of evaluation on whether the Applicant has carried out all works as enumerated in ANNEXURE - 2 of the Arbitration Award dated 12/07/2014 and to file its report of such inspection.

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

This application has been filed under Section 9 of the Arbitration and Conciliation Act, to appoint an independent agency to carry out the inspection of the civil contract work performed by the applicant in the premises of Tidel Park Coimbatore Ltd for the purpose of evaluation whether the applicant has carried out all works as enumerated in Annexure -2 of the Arbitration Award dated 12.07.2014 and to file its report of such inspection.

2. It is admitted by both sides that already award was passed by consent and this application has been filed for appointment of an independent agency. Prima facie, I am of the view that the relief sought is not maintainable under Section 9 of the Act. It is also to be noted that the interim reliefs under Section 9 can be granted for the period before the award is enforced under Section 36 of the Act. The award has been passed on 12.07.2014. Therefore, once the award is passed, the interim protection cannot be granted for ever. The nature of relief sought to appoint an independent agency cannot be granted and there is no merits in this application. Accordingly, this application is dismissed.

Sd/.N.S.K.J.

08.04.2021

//Certified to be a true copy//

Dated this the th day of 2021.

su.16.04.2021

COURT OFFICER(O.S.)

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