

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23/6/2021

C O R A M

THE HONOURABLE Mr.JUSTICE N.SATHISH KUMAR

O.A.No.62 of 2021

Subaya Constructions Company Limited
rep. By its Director
Ms.S.Meenakshi
Having Office at New No.21
Soundarapandian Street
Ashok Nagar
Chennai 600 083.

Applicant

Vs

The Commissioner
Vellore City Municipal Corporation
Infantry Road
Vellore 632 001.

Respondent

Original Application has been filed under Order XIV Rule 8 of Original Side Rules, r/w. Section 9 (d) & (e) of Arbitration and Conciliation Act, 1996, to grant an order of injunction restraining the respondent from taking any action pursuant to the show cause notice, dated 19/1/2021 which was received by the applicant on 28/1/2021, pending disposal of the arbitration proceedings between the applicant and respondent.

For applicant	...	Mr.B.Natarajan
For respondent	...	Mr.Silambanan Senior Counsel for Ms.P.Shanthi

ORDER

This Original Application has been filed to grant an order of injunction restraining the respondent from taking any action pursuant to the show cause notice, dated 19/1/2021, which was received by the applicant on 28/1/2021, pending disposal of the arbitration proceedings between the applicant and respondent.

2. Heard Mr.B.Natarajan, learned counsel for the applicant and Mr.Silambanan, learned Senior Counsel for Ms.P.Shanthi for respondent.

3. Today, when the matter was taken up for hearing through Video Conferencing, learned counsel appearing for the applicant submitted that vide, letters, dated 12/12/2019, 25/1/2020, requested the respondent to appoint Sole Member Dispute Board, as indicated in terms of Clause 20.2 of the Agreement and also suggested four names. But the respondent neither

replied nor appointed Sole Member Dispute Board.

4. The learned counsel appearing for the applicant would submit that the applicant, vide, its letter, dated 11/3/2020, approached the Institution of Engineers (India), Tamil Nadu Chapter, in terms of Clause 20.3 of the agreement for appointment of Sole Member Dispute Board. The Institution of Engineers (India), Tamil Nadu Chapter, vide its letter, dated 5/6/2020, communicated the appointment of Er. P.Velu, FIE, Retired Chief Engineer, PWD as Sole Member Dispute Board.

5. Learned counsel appearing for the applicant further submitted that the respondent did not respond to resolve the disputes through Sole Member Dispute Board for more than a year i.e., from 12/12/2019. Hence, filed the instant Original Application, for the relief, as stated supra.

6. As per Clause 20.2 of the Agreement, the disputes shall be referred to a Dispute Board for decision in accordance with Sub-Clause 20.4. In such a view of the matter, this Court is not inclined to grant any

interim order.

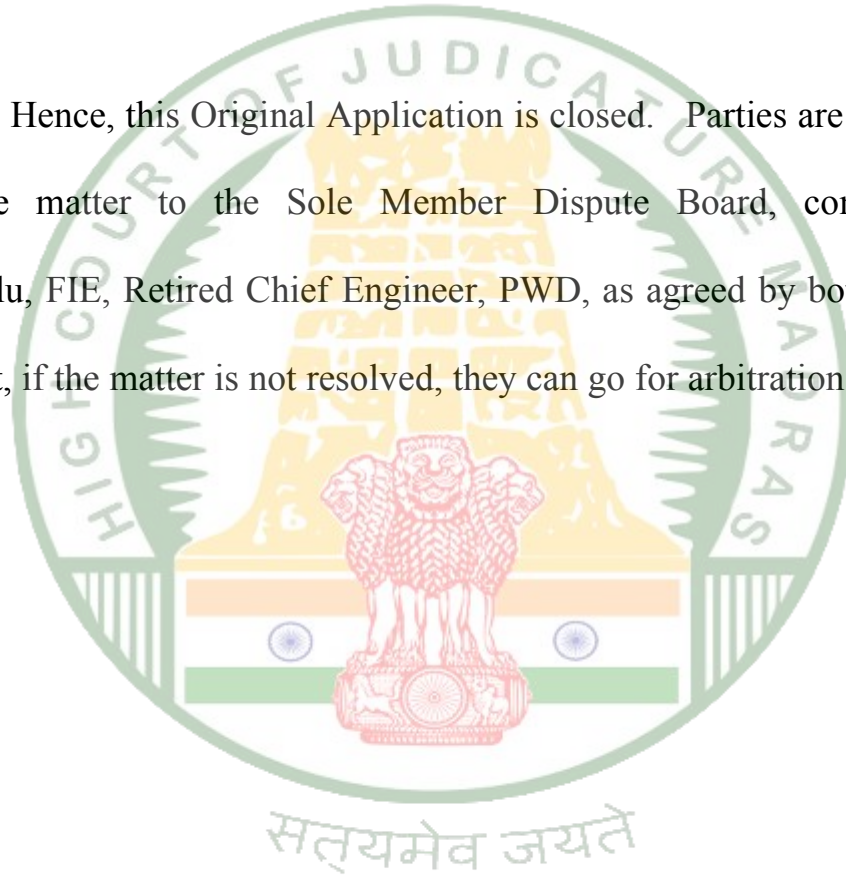
N.SATHISH KUMAR,J

mvs.

7. Hence, this Original Application is closed. Parties are directed to refer the matter to the Sole Member Dispute Board, consisting of Mr.P.Velu, FIE, Retired Chief Engineer, PWD, as agreed by both sides. In the event, if the matter is not resolved, they can go for arbitration.

23/6/2021

mvs.



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