



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

TUESDAY, THE 20TH DAY OF JULY 2021

THE HON'BLE MR. JUSTICE N.SATHISH KUMAR

O.P. No.498 of 2015

In the matter of the Arbitration and
Conciliation Act, 1996

And

In the matter of Agt No:0927 dated
01.11.2011 in respect of transportation
of Bulk LPG with IOCL.

M/s Jasmitha Transports,
Rep by its Proprietor, S.Sukumar,
No:6/948-B, Paramathi Road,
Velumurugan Towers,
Opp. DSP Office,
Namakkal – 637 001.

. . . Petitioner

Versus

1.M/s Indian Oil Corporation Limited,
Rep by its Dy.General Mgr (LPG-S & D),
Indian Oil Corporation Limited,
Tamil Nadu State Office, “Indian Oil Bhavan”,
No:139, Nungambakkam High Road,
Chennai – 34.

2. Sri V.Ramasamy,
Sole Arbitrator Cum Chief Mgr (HR-CSR),
Indian Oil Corporation Limited,
Tamil Nadu State Office,
“Indian Oil Bhavan”,
No:139, Nungambakkam High Road,
Chennai – 34.

... Respondents



WEB COPY Original Petition praying that this Hon'ble Court be pleased to set aside the order dated 22.01.2015 passed by the Sole Arbitrator V.Ramasamy refusing to grant interim measure of protection in the petition filed U/s 17 of Arbitration and Conciliation Act and consequently direct the 1st respondent not to deduct/withhold/appropriate/adjust any amount from the running bills pertaining to the truck bearing Reg No: TN20 AK 5745 and release the amounts so recovered.

This Original Petition coming on this day before this court for hearing in the presence of Mr.M.Udhaya Kumar, advocate for the petitioner herein and Mr.V.Anantha Natarajan, advocate for the 1st respondent herein, and upon reading the petition and the award dated 22.01.2015 filed herein and the learned counsel for both sides having stated that award has been passed in the main dispute itself, against which an Original Petition No.419 of 2017 has been filed, which is pending before this court and in such view of the matter, the main original petition challenging the main award itself can be disposed of instead of passing an interim order in this matter and, it is ordered as follows:-



infructuous.

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2. That there shall be no costs of this petition.

WITNESS THE HON'BLE MR. JUSTICE SANJIB BANERJEE,
CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE
20th DAY OF JULY 2021.

Sd/-

ASSISTANT REGISTRAR (O.S.II)

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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30.09.2021

O.P. No.498 of 2015

ORDER:-

DATED: 20.07.2021

THE HON'BLE MR. JUSTICE

N.SATHISH KUMAR

FOR APPROVAL: 01.10.2021

APPROVED ON : 01.10.2021



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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 20.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

O.P.No. 498 of 2015

M/s.Jasmitha Transports,
Rep. By its Proprietor, S.Sukumar,
No:6/948-B, Paramathi Road,
Velmurugan Towers,
Opp. DSP Office,
Namakkal – 637 001

. . . Petitioner

Versus

1.M/s.Indian Oil Corporation Limited,
Rep by its Dy.General Mgr (LPG-S&D)
Indian Oil Corporation Limited,
Tamil Nadu State Office, “Indian Oil Bhavan”
No:139, Nungambakkam High Road,
Chennai – 34.

2.Sri V Ramasamy,
Sole Arbitrator cum Chief Mgr(HR-CSR)
Indian Oil Corporation Limited,
Tamil Nadu State Office, “Indian Oil Bhavan”
No:139, Nungambakkam High Road,
Chennai – 34.

. . . Respondents

PRAYER : Petition filed under Section 37 of the Arbitration and Conciliation Act, 1996 to set aside the order dated 22.01.2015 passed by the Sole Arbitrator Mr.V.Ramasamy refusing to grant interim measure of protection in the petition filed under Section 17 of the Arbitration and



deduct/withhold/appropriate/adjust any amount from the running bills pertaining to the truck bearing Reg No:TN 20 AK 5745 and release the amounts so recovered.

For Petitioner : Mr.M.Udhaya Kumar

For Respondents : Mr.V.Anantha Natarajan for R1

ORDER

This original petition has been filed to set aside the order dated 22.01.2015 passed by the Sole Arbitrator Mr.V.Ramasamy refusing to grant interim measure of protection in the petition filed under Section 17 of the Arbitration and Conciliation Act and consequently directing the 1st respondent not to deduct/withhold/appropriate/adjust any amount from the running bills pertaining to the truck bearing Reg No:TN 20 AK 5745 and release the amounts so recovered.

2. Today, when the matter was taken up for hearing, it is stated by both learned counsel that award has been passed in the main dispute itself, against which, an Original Petition No.419 of 2017 has been filed, which is pending before this Court. In such view of the matter, the main original petition challenging the main award itself can be disposed of instead of passing an interim order in this matter. In such view of the matter

and considering the submission made by both learned counsel, this original



petition is dismissed as infructuous. No costs.

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Sd./-N.S.K.J.
20.07.2021

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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