

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

MONDAY, THE 27TH DAY OF SEPTEMBER 2021

THE HON'BLE MR. JUSTICE N.SATHISH KUMAR

O.P.No.920 of 2015

In the matter of Arbitration &
Conciliation act 1996

And

In the matter of Fire Insurance Policy
No.010804/11/10/14/00000/148, 149 and
151.

M/s. Continental Warehousing Corporation
(Nhavaseva) Ltd., Container Freight Station
Represented by its Manager, Mr.S.Gnanavelu
N.D.R.Estates, GNT Road, Kanakanchatram,
Madhavaram, Chennai – 600 110.

... Petitioner

-Vs-

1. United India Insurance Co.Ltd.,
No.70, NSC Bose Road,
Sowcarpet,
Chennai – 600 079.
2. Commissioner of Customs,
Customs House, No.60,
Rajaji Salai, Chennai - 600 001.
3. Mr.Manivannan R.Rajan,
Project Technical and Risk Management
Consultant, Insurance Surveyor,
Sole Arbitrator,

A-3, 3rd Floor, Vignesh Villa,
No.56, 7th Avenue, Ashok Nagar,
Chennai - 600 083.

.... Respondents

Original Petition praying that this Hon'ble Court be pleased to
(i) set aside the award dated 7.3.2015 passed by the 3rd Respondent in the
above proceedings (ii) remit the matter for fresh arbitration, (iii) order costs
of the petition..

This Original Petition along with O.P.No.603 of 2015 coming
on this day before this court for hearing in the presence of Mr.K.Bijai
Sundar, advocate for the petitioner herein and Mr.M.B.Raghavan, advocate
for the 1st Respondent herein and Mr.V.Sundareswaran, advocate for the 2nd
Respondent herein and the 3rd Respondent herein not appearing in person or
by advocate and upon reading the petition and the award dated 07/03/2015
filed herein and this court is of the view that the award passed by the
Arbitrator is against the substantial law of India and it is nothing but
pervisity and the entire award passed by the Arbitrator is based on the
equitable principles and **it is ordered as follows:-**

That the award dated 07/03/2015 passed by the Arbitrator in
respect of customs duty alone be and is hereby set aside and for the same,
the parties shall be at liberty to initiate Arbitration Proceedings, as per law,

particularly, Section 23 of the customs Act and connected judicial proceedings in this aspect.

2) That in respect of other aspects, there is no dispute between the parties.

3) 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
27TH DAY OF SEPTEMBER 2021.

Sd/-

ASSISTANT REGISTRAR (O.S.II)

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.

ED
29.10.2021

O.P.No.920 of 2015

ORDER

DATED: 27.09.2021

THE HON'BLE MR. JUSTICE
N.SATHISH KUMAR

FOR APPROVAL: 29.10.2021

APPROVED ON : 29.10.2021