



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

WEDNESDAY, THE 15TH DAY OF DECEMBER 2021

THE HON'BLE MR. JUSTICE N. SENTHILKUMAR RAMAMOORTHY

O.A.No. 623 of 2021

In the matter of Arbitration &
Conciliation Act, 1996

And

In the matter of dispute relating to
sublease conditions provided in the
lease deed dated 01.07.2016 entered
between M/s Devi Auto Components
and State Industries Promotion
Corporation of Tamil Nadu Ltd.

M/s. Devi Auto Components,
Rep.by its Partner,
CP-6, I Floor,
Water Tank Road,
MMDA Colony,
Arumbakkam,
Chennai – 600 106.

... Applicant

-Vs-

The Managing Director,
State Industries Promotion Corporation of
Tamilnadu Ltd., having office at
No.19-A, Rukmani Lakshmipathy Road,
Egmore, Chennai – 600 028.

... Respondent

Original Application praying that this Hon'ble Court be pleased to
grant an order or injunction restraining the respondent corporation or its
assignees or its agent or other claiming under it, from taking possession or
invoking Tamil Nadu Public Premises Eviction Act for resuming the plot



assigned to the applicant or taking any further coercive action till the completion of the Arbitration Proceedings.

This Original Application coming on this day before this Court for hearing in the presence of Mr.Krishna Ravindran, Advocate for the Applicant herein and Mr.M.Karthikeyan and Mr.S.Girish, Advocate for the Respondent herein and upon reading the order herein dated 06/12/2021, both the parties having submitted that they are ready and willing to proceed with arbitration in order to resolve their disputes, they further submitted that they are agreeable to appoint Mr.Justice S. Rajeswaran, a retired Judge of this Court as the Sole Arbitrator, consequently, with the consent of parties, such appointment is made, **It is ordered as follows:-**

That the interim injunction granted in pursuance of the order dated 07/10/2021 made in O.A.No. 623 of 2021 restraining the respondent therein, or its assignees or its agent or other claiming under it, from taking possession or invoking Tamil Nadu Public Premises Eviction Act for resuming the plot assigned to the applicant or taking any further coercive action, be and is hereby extended and shall operate until the conclusion of the arbitral proceedings.



2. That the Hon'ble Mr. Justice S. Rajeswaran, Judge (Retd), High Court, Madras, No.AA-67, II Street, Near Rountana Nalli Silk House, Anna Nagar, Chennai – 40 be and is hereby appointed as Sole Arbitrator to adjudicate the dispute between the parties with their consent.

3. That the Sole Arbitrator appointed herein be and is hereby directed to enter upon reference and adjudicate the dispute in accordance with law.

4. That the Sole Arbitrator appointed herein, shall fix his fees and expenses in connection with such arbitral proceedings.

5. That the deposits made in this Court shall abide by the out come of the arbitral proceedings.

WITNESS THE HON'BLE MR. JUSTICE MUNISHWAR NATH BHANDARI, ACTING CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE 15TH DAY OF DECEMBER 2021.

Sd/-

ASSISTANT REGISTRAR (Comm Cases)

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

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



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ED

22.12.2021

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O.A.No. 623 of 2021

ORDER

DATED: 15.12.2021

THE HON'BLE MR. JUSTICE
SENTHILKUMAR RAMAMOORTHY

FOR APPROVAL : 29/12//2021

APPROVED ON : 05/01/2022

Copy to:

The Hon'ble Mr. Justice S. Rajeswaran,
Judge, (Retd.) Sole Arbitrator,
High Court, Madras,
No, AA-67, II Street,
Near Routana Nalli Silk House,
Anna Nagar,
Chennai – 40.

Correspondence to Notice :-



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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 15.12.2021

Coram:

**THE HONOURABLE MR. JUSTICE SENTHILKUMAR
RAMAMOORTHY**

Original Application No.623 of 2021

M/s.Devi Auto Components,
Rep. By its Partner
CP-6, I Floor,
Water Tank Road,
MMDA Colony
Arumbakkam,
Chennai-600 106.

... Applicant

/versus/

The Managing Director,
State Industries Promotion Corporation of
Tamilnadu Ltd., having office at
No.19-A, Rukhmani Lakshmipathy Road, Egmore,
Chennai-600 028.

... Respondent

Prayer: Original Application is filed under Order XIV Rule 8 of Original Side Rules read with Section 9 (ii)(d) of the Arbitration and Conciliation Act, 1996 to grant an order of injunction restraining the respondent Corporation or its assignees or its agent or other claiming under it, from taking possession or invoking Tamil Nadu Public Premises Eviction Act for resuming the plot assigned to the applicant or taking any further coercive action till the completion of the Arbitration Proceedings.

For Applicant : Mr.Krishna Ravindran

For Respondent : Mr.M.Karthikeyan & Mr.S.Girish



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ORDER

This application is filed for an order of injunction restraining the respondent from taking possession of the plot allotted to the applicant pending arbitral proceedings.

2. By order dated 07.10.2021, this Court granted a conditional order of interim injunction subject to deposit of a sum of Rs.1 crore by the applicant in two installments. The first instalment of Rs.50 lacs was paid by way of demand draft as recorded in the order dated 29.10.2021. Pursuant to order dated 06.12.2021, it is submitted that the second instalment of Rs.50 lacs was remitted into a Fixed Deposit Account in the name of the Registrar General of this Court. As such, the conditional order has been fully complied with.

3. Both the parties submit that they are ready and willing to proceed with arbitration in order to resolve their disputes. They further submit that they are agreeable to appoint Mr. Justice S.Rajeswaran, a retired Judge of this Court as the Sole Arbitrator. Consequently, with the consent of parties, such appointment is made.



4. Since the Arbitral Tribunal has been constituted with the consent of parties, it is appropriate that the order of injunction be continued pending disposal of such arbitral proceedings.

5. Accordingly, Original Application No.623 of 2021 is disposed of with the following directions:

(i) The order of interim injunction granted on 07.10.2021 is extended and shall operate until the conclusion of the arbitral proceedings.

(ii) Mr. Justice S.Rajeswaran, a retired Judge of this Court, is appointed as Sole Arbitrator to adjudicate the dispute between the parties with their consent.

(iii) The Sole Arbitrator is directed to enter upon reference and adjudicate the dispute in accordance with law.

(iv) The Sole Arbitrator may fix his fees and expenses in connection with such arbitral proceedings.

(v) The deposits made in this Court shall abide by the outcome of the arbitral proceedings.

Sd./- S.K.R.J.,
15.12.2021

//Certified to be true copy//

Dated at Madras this the day of 2022.