



Application No.2546 of 2022
in O.P.No.482 of 2017

Application No.2546 of 2022
in
O.P.No.482 of 2017

M.SUNDAR.J.,

This order will now dispose of the captioned application.

2. This order has to be read in conjunction with and in continuation of earlier proceedings made in the previous listing on 12.07.2022, which reads as follows:

' Mr.T.Dinesh, applicant is before this Court.

2. Mr.Vijaya Mehanath of M/s.AAV Partners (Law Firm), learned counsel for 'Indian Oil Corporation' ['IOC'] i.e., respondents 1 and 2 is before this Court. To be noted, third respondent is the sole Arbitrator.

3. Be that as it may, Mr.T.Dinesh submits that he wants to represent the matter party-in-person. Attention of this Court is drawn to proceedings dated 25.01.2021, which reads as follows:



WEB COPY



**Application No.2546 of 2022
in O.P.No.482 of 2017**

Mr. Vijaya Mohan of M/s. AAV Partners (Law Firm) counsel on record for answering questions 1 & 2 is before me in this web hearing on a video conferencing platform.

2. Mr. T. Dinesh, who has joined this web hearing submits that counsel on record, Mr. G. P. Bhargavi and her colleagues have given charge of valuation and have returned the case papers to him. To be noted, the case also shows charge of valuation for petitioners. It is also to be noted, Mr. T. Dinesh, is the petitioner in the captioned OP as he is carrying on business under the name and style 'Bee Agency' is sole proprietor.

3. Mr. T. Dinesh submits that he wants to appear party-in-person. If that be the case, the permission for going before Hon'ble Committee concerned has to be undertaken, as appearing party in person is subject to the views of Hon'ble Committee and the petitioner requests for time to approach the Hon'ble Committee concerned.

4. List after four weeks.

(Signature)
25.01.2021

4. Mr.T.Dinesh submits that he is a practicing Lawyer and requests for a short accommodation to ascertain if there is any exemption carved out if a practicing lawyer wants to represent the matter party-in-person. Request acceded to.

List after one week. List on 20.07.2022.'

3. Adverting to earlier proceedings, Mr.T.Dinesh, party-in-person (applicant), who is before this Court, submits that 'The High Court of Madras (Conduct of Proceedings by Party-in-Person) Rules, 2019' [hereinafter '2019 Party-in-Person Rules' for the sake of brevity and convenience] which came into



Application No.2546 of 2022
in O.P.No.482 of 2017

WEB COPY

force on and from 06.11.2019 has since been amended on 19.06.2021 and the amendment on 19.06.2021 is by way of addition of a proviso to Rule 5(2) of 2019 Party-in-Person Rules. The added proviso reads as follows:

'Provided that whenever an Advocate whose name is entered on the Rolls of any State Bar Council maintained under the Advocates Act, 1961 (25 of 1961), wants to appear and argue a case in person he or she shall be exempted from the requirement of filing an application, under these Rules, seeking permission to appear in person.'

4. Adverting to the affidavit filed in support of captioned application, Mr.T.Dinesh submits that he is an Advocate whose name is entered in the Rolls of a State Bar Council (Tamilnadu State Bar Council in this case) under the Advocates Act, 1961 (25 of 1961). Relevant paragraph in the support affidavit is Paragraph 2 and the same reads as follows:

'2. I am a practicing Advocate, enrolled with Bar Council of Tamilnadu Enrollment No.MS 2130/2010. Previously I was allotted dealership for retail outlet by IOC and the same was subsequently unlawfully terminated by the IOC. I have challenged the same by invoking Arbitration Clause. The said Arbitration proceedings concluded against me as against which I have filed the above O.P.No. 482 of 2017.'



Application No.2546 of 2022
in O.P.No.482 of 2017

WEB COPY

5. In the light of the narrative thus far, applicant, party-in-person is given audience.

6. Mr.M.Vijayamehanath, learned counsel of M/s.AAV Partners [Law Firm] for the contesting respondents i.e., Respondents 1 and 2 [hereinafter 'IOC' collectively for the sake of convenience and clarity] who is before this Court, very fairly submitted that he is not opposing the captioned application, learned counsel has made an endorsement in the case file in this regard. A scanned reproduction of this endorsement is as follows:

The Respondent does not
have an objection in
allowing the present application
to restore the O.P.
S. V. S. S. S.
18/8/22.
Counsel for Respondent.

7. The aforementioned endorsement is reiterated in the hearing and learned counsel submits that the endorsement has been made on instructions from IOC. This makes the task of disposal of captioned application fairly



Application No.2546 of 2022
in O.P.No.482 of 2017

WEB COPY

simple. However, it is necessary to set out short facts shorn of granular details which may not be imperative for appreciating this order.

8. The short facts are that an arbitral award dated 26.07.2016 came to be made by an 'Arbitral Tribunal' [AT] constituted by a sole Arbitrator who was a then a serving Officer of IOC (this Court is informed that he has since retired). In this award, applicant in the captioned application is the claimant. To be noted, applicant submits that he is a sole proprietor carrying on business in the name and style of 'M/s.Sree Agencies'. The applicant in the captioned application assailed the aforementioned award [hereinafter 'impugned award' for the sake of convenience and clarity] by way of a petition under Section 34 of A and C Act i.e., by way of O.P.No.482 of 2017. This O.P.No.482 of 2017 came to be dismissed for default by Hon'ble predecessor Judge on 06.01.2022. Captioned application has been taken out with a prayer to restore the main OP to file so that the same can be heard out on merits.

9. This Court having set out short facts deems it appropriate to not to dilate any further owing to the stand taken by IOC i.e., stated position of IOC that they are not opposing the prayer in the captioned application, which has



Application No.2546 of 2022
in O.P.No.482 of 2017

been alluded to supra.

WEB COPY



Application No.2546 of 2022
in O.P.No.482 of 2017

WEB COPY

10. In the light of the narrative thus far, captioned application is ordered as prayed for. The sequitur is, O.P.No.482 of 2017 will stand restored to file and will stand over for consideration on merits.

Captioned application disposed of in the aforesaid manner. The shall be no order as to costs.

18.08.2022

(1/2)

gpa



WEB COPY



Application No.2546 of 2022
in O.P.No.482 of 2017

M.SUNDAR.J.

gpa

Application No.2546 of 2022
in O.P.No.482 of 2017

18.08.2022

(1/2)