



O.A.Nos.137, 138 and 210 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.07.2023

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

O.A.Nos.137, 138 and 210 of 2023

M/s.New Direction Industries & Logistics Company,
represented by Partner
Mr.Rajesh S.Pawani,
Shop No.4, Alsa Mall 4,
Montieth Road,
Chennai – 600 008.

... Petitioner
in O.A.No.137 of 2023

M/s.R.K.H.M & Co.,
Rep.by its Partner,
Mr.Rajesh S.Pawani
No.198, Poonamallee Bye Pass Road,
Poonamallee,
Chennai – 600 056.

... Petitioner
in O.A.No.138 of 2023

M/s.Agranee Auto Ancillaries Pvt. Ltd.,
Formerly M/s.Horizon Warehousing and Apparel Pvt.Ltd.
Rep.by its Managing Director, Mr.S.Raju,
No.CPR-4,1st Floor,Water Tank, MMDA Colony,
Arumbakkam, Chennai – 600 106.Shop No.4, Alsa Mall 4,
Montieth Road, Chennai – 600 008.

... Petitioner
in O.A.No.210 of 2023



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VS.

The Managing Director,
State Industries Promotion Corporation of Tamil Nadu,
No.19A, Rukmani Lakshmipathy Road,
Egmore, Chennai – 600 008.

...Respondent
in all O.As.

Common Prayer: Original Applications filed under Order XIV Rule 8 of Original Side Rules r/w Section 9(ii) (d) of the Arbitration and Conciliation Act, 1996 to grant an order of interim injunction restraining the respondent Corporation/SIPCOT or its assignees or its agents claiming under it, from taking possession or invoking the 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 and pass such and other appropriate order as this Hon'ble Court deems fit in the circumstances.

For Petitioners : Mr.P.Kavin Prabhu
in all O.As.

For Respondent : Mr.K.Palaniappan
in all O.As.

COMMON ORDER

These applications have been filed by the respective applicants under Section 9 (2) of the Arbitration and Conciliation Act, 1966 seeking for interim injunction to restrain the respondent-Corporation from taking



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possession or invoking the Tamil Nadu Public Premises Eviction Act for resuming the respective plots allotted to the respective applicants till the completion of the arbitral proceedings.

2. The respective applicants in these applications were allotted plots by the respondent-Corporation and they were put in possession of the same. Under the respective contracts by which allotments were made, certain obligations had to be fulfilled by both the parties. The respondent had made a claim against the respective applicants informing them that they have not fulfilled the terms and conditions and therefore, their respective allotments will have to be cancelled. Certain charges have also been levied by the respondent against the applicants, which are put to challenge in these applications by the respective applicants.

3. In O.A.No.137 of 2023 and O.A.No.138 of 2023, this Court granted interim orders in favour of the applicants on 23.02.2023 and in O.A.No.210 of 2023, interim order was granted in favour of the applicant on 15.3.2023. The respondent has filed counters in O.A.No.137 of 2023 and O.A.No.210 of 2023 and insofar as O.A.No.138 of 2023 is concerned,



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counter has not been filed by the respondent. Till date no arbitral tribunal has been constituted and both the parties have not initiated arbitration in accordance with the arbitration agreement contained under the respective contracts. Admittedly, there is an arbitration agreement contained in all three contracts which are the subject matter of these applications.

4. Now, both the counsels on instructions have made an endorsement in the Court bundle that the applicants as well as the respondent are agreeable for arbitration by an Arbitrator to be appointed by this Court. The said endorsement is recorded.

5. Section 9(2) of the Arbitration and Conciliation Act, 1996 stipulates that arbitral proceedings shall be commenced within a period of 90 days from the date of the order passed in favour of the applicants or within such time as the Court may determine.

6. Interim orders were passed by this Court in favour of the applicants in O.A.No.137 of 2023 and O.A.No.138 of 2023 on 23.2.2023 and O.A.No.210 of 2023 on 15.3.2023. Three months period stipulated for the applicants under Section 9 (2) of the Arbitration and Conciliation Act, 1966,



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from the date of grant of interim orders in their favour has got over now.

But, however, the learned counsel for the applicants would submit that since there was a Court vacation in the interregnum, this Court by exercising the power available to it under Section 9(2) of the Act can extend the period for initiating arbitration if this Court deems it fit to do so.

7. This Court, after giving due consideration to the fact that the applicants are having the benefit of interim orders till date and in view of the fact that there was Court vacation for a period of one month after the date when the applicants had obtained interim orders, is inclined to extend the interim orders granted in all these applications in favour of the applicants for another period of three weeks to enable the applicants to approach the arbitral tribunal under Section 17 of the Arbitration and Conciliation Act, 1996 seeking for the very same interim relief that has been sought for in these applications. Since both the parties have consented to the appointment of an Arbitrator by this Court, who shall adjudicate the dispute between the parties arising out of the following three contracts:



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a. Lease Deed dated 28.5.2008 between M/s.Agranee Auto Ancillaries Pvt. Ltd., (formerly M/s.Horizon Warehousing and Apparels Pvt., Ltd.,) and State Industries Promotion Corporation of Tamil Nadu Limited (SIPCOT). M/s.Agranee Auto Ancillaries Pvt. Ltd., is the applicant in O.A.No.210 of 2023.

b. Lease Deed dated 27.3.2008 between M/s.New Directions Industries and Logistics Company and State Industries Promotion Corporation of Tamil Nadu Limited (SIPCOT). M/s.New Directions Industries and Logistics Company is the applicant in O.A.No.137 of 2023.

c. Lease Deed dated 27.3.2008 between M/s.R.K.H.M. & CO and State Industries Promotion Corporation of Tamil Nadu Limited (SIPCOT). M/s.R.K.H.M. & CO is the applicant in O.A.No.138 of 2023.

8. This Court appoints The Hon'ble Mr.Justice K.Ravichandrabaabu, 1D, Crescent Castle, 136, II Crescent Park Road, Gandhi Nagar, Adyar, Chennai -600 020, Mobile No.9498033336, former Judge of this Court as a



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Sole Arbitrator to decide the dispute/ differences between the parties on merits and in accordance with law. The Arbitrator shall decide each of the aforementioned three disputes separately by passing separate Arbitral Awards. The Arbitrator shall be paid remuneration in accordance with the fourth schedule to the Arbitration and Conciliation Act and he shall pass an award within the stipulated time as prescribed under the Arbitration and Conciliation Act, 1996 by adhering to the provisions of the said Act.

9. The interim order granted earlier on 23.02.2023 in O.A.Nos.137 of 2023 and 138 of 2023 and on 15.03.2023 in O.A.No. 210 of 2023 shall be extended for a limited period of three weeks from the date of receipt of copy of this order.

10. The applicants are granted liberty to file applications under Section 17 of the Arbitration and Conciliation Act, 1996, before the Arbitral Tribunal seeking for the very same interim reliefs. It is for the Arbitral Tribunal to decide the said applications as and when they are filed, one way



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or the other, by exercising its judicial discretion.

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11. In the aforementioned terms, these applications are disposed of.

07.07.2023

Note : Issue order copy on 13.07.2023

Index: Yes/No

Speaking Order/Non-Speaking Order

Neutral Citation Case : Yes/No



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ABDUL QUDDHOSE, J.

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