



O.A.No.446 of 2023

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P.B.BALAJI, J.

This application has been filed under Section 9 of the Arbitration and Conciliation Act, 1996 praying for interim injunction to restrain the respondents from taking delivery of the cargo of 27,558.917 MT of Green Delayed Petroleum Coke in Bulk covered under the Bill of Lading dated 08.11.2022 now lying in the Port of Karaikkal pending disposal of the arbitration proceedings.

2. It is the case of the applicant that they have already initiated arbitration proceedings in the London Maritime Arbitrators Association (LMAA) and that proceedings are pending. In the meantime, to secure the amounts that are admittedly due and payable to the applicant, the present application has been filed.

3. The averments made in support of the Section 9 application make out a prima facie case for grant of interim injunction to restrain the respondents from taking delivery of the cargo from the Port of Karaikkal. If the interim injunction is not granted it will cause grave prejudice and hardship to the applicant and balance of convenience also is strongly in favour of grant of interim order since it is seen from the records that on more than one occasion, the respondents had admitted the liability and have promised settlement of



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dues, which has not happened till date.

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4. In such circumstances, this Court is inclined to grant interim injunction as prayed for. Post the matter on 15.06.2023. Private notice permitted. Notice by e-mail is also permitted.

10.05.2023

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Note : Issue order copy tomorrow (11.05.2023)



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