



O.A.No.633 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.07.2023

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THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

O.A.No.633 of 2023

M/s.N.C.S.Road Lines,
Rep. by its Proprietor M.Senthil Kumar.

... Applicant

Vs.

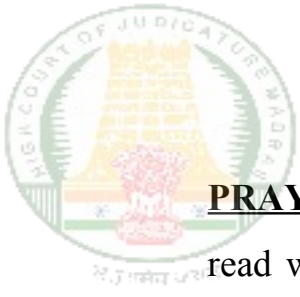
1.M/s.Indian Oil Corporation Limited,
Marketing Division,
Southern Region,
Indian Oil Bhavan,
139, Uthamar Gandhi Road (Nungambhakam High Road),
Chennai - 600 034.

2.M/s.Indian Oil Corporation Limited,
Madurai Terminal,
Marketing Division,
159 & 160, SIDCO,
Industrial Estate, Kappalur,
Madurai - 625 008.

3. M/s.Indian Oil Corporation Limited,
Rep. by Chief General Manager,
Operations Department,
Tamil Nadu State Office.

4.M/s.Indian Oil Corporation Limited,
Rep. by its Executive Director & State Head,
Tamil Nadu State Office.

... Respondents



PRAYER: Application filed under Order XIV Rules 1 and 8 of O.S. Rules read with Section 9 (1) (d) & (e) of the Arbitration and Conciliation Act, 1996 and Section 151 of C.P.C. to grant an interim injunction restraining the respondent Oil Corporation from enforcing the order dated 05.07.2023, blacklisting the applicant on industry basis, so as to not affect the contract entered by the applicant with other Depots and Oil Corporations, until the dispute between the applicant and respondents is resolved through arbitration.

For Applicant : Mr.K.Harishankar

For Respondents : Mr.Mohammed Fayaz Ali

ORDER

This application has been filed under Section 9 of the Arbitration and Conciliation Act, 1996, seeking for an interim injunction restraining the respondent oil corporation from enforcing the order dated 05.07.2023, blacklisting the applicant on industry basis, so as to not affect the contract entered by the applicant with other Depots and Oil Corporations, until the dispute between the applicant and respondents is resolved through arbitration.



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2. The applicant is a contractor with the respondent oil corporation and they have been awarded various contracts. One such contract is the subject matter of dispute in this application. Under the impugned order dated 05.07.2023, the applicant has been blacklisted and its contract pertaining to the Madurai Division has been terminated. The applicant apprehends that in view of the impugned order, its other contracts with the respondent oil corporation will get affected.

3. Learned counsel appearing for the respondents on instructions would submit that the impugned order dated 05.07.2023 will not impact the other contracts entered into by the applicant with the respondents oil corporation in respect of various other divisions.

4. Learned counsel for the applicant is satisfied with the undertaking given by the respondents but he would submit that with regard to the other grievances of the applicant, he will redress the same before the arbitral tribunal once the same is constituted.



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5. Learned standing counsel for the respondents oil corporation would further submit that the letter dated 12.07.2023 relied upon by the applicant pertains to Trichy Division and he would submit that in the said case, no contract has been awarded to the applicant but it is only a Letter of Acceptance (LoA). The same is disputed by the applicant who would submit that a contract has been awarded to the applicant by the respondents oil corporation for the Trichy Division as well. The said dispute can be adjudicated by both the parties before the arbitral tribunal once the same is constituted.

6. In view of the undertaking given by the respondents as stated supra, the relief sought for by the applicant in this application has to be allowed as prayed for. In terms of the undertaking given by the respondents, which has been recorded in paragraph No.3 of this order, this application is allowed as prayed for.

7. Both the parties are also agreeable for appointment of an arbitrator by this Court. They have also made an endorsement to that effect in the Court bundle. The said endorsement has been made by both the parties



pursuant to instructions received by them from their respective clients.

8. In terms of the endorsement made by the respective counsels on instructions, this application is allowed as prayed for by issuing the following directions:

a) This Court appoints Tr.M.Nazir Ahamed, Retired District Judge (Principal Judge, Chennai) having office at No.B-606, ALTIS ASHRAYA, Kunrathur Main Road, Mangadu, Chennai - 600 122 (Mob. No.94434 13106) to act as an arbitrator in respect of the dispute between the applicant and the respondents arising out of the tender dated 13.09.2022 entered into between the applicant and the respondents;

b) By consent of both the parties, the remuneration / fees shall be paid to the arbitrator;

c) Both the parties shall equally share the arbitrator's fees;

d) The Arbitrator shall conduct the arbitration in accordance with the provisions of the Arbitration and Conciliation Act, 1996 and shall complete the arbitration within the specified time as prescribed under the said Act.

19.07.2023

Index : Yes/No

Speaking Order : Yes / No

Neutral Citation Case: Yes / No

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ABDUL QUDDHOSE. J.,

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