



Original Application No.760 of 2022

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ABDUL QUDDHOSE, J.

Prakash Arts Pvt Ltd.,
Rep by its Authorised Signatory,
2-6, 473/1, Street No.5,
Himayatha Nagar,
Hyderabad – 500 029.

... Applicant

Vs.

M/s. IT Expressway Limited,
171, 2nd Floor, TNMB Building,
South Kesavaperumal Puram,
Greenways Road,
Raja Annamalai Puram,
Chennai – 600 028.

... Respondent

This application has been filed under Section 9 of the Arbitration and Conciliation Act, 1996, for an injunction, to restrain the respondent from removing the advertisements put up by the applicant in the Bus Shelters at Old Mahabalipuram Road.

2. The applicant was awarded a contract by the respondent. Under the said contract, the applicant was granted rights to put advertisements in the Bus Shelters at Old Mahabalipuram Road under



Build Operate Transfer Contract. The contract was for a period of 9 years. Admittedly, the said contract came to an end on 15.07.2022.

Since there was Covid-19 lockdown for a particular period during the period of contract, the applicant had sought for extension of contract by another period of one year from 15.07.2022. Since the same was not acceded to by the respondent and in order to protect the applicant's interest under the contract, they had filed this application seeking for an interim injunction.

3. A counter-affidavit has also been filed by the respondent in this application. The applicant had sought extension of further time of one year from the date of its expiry of the contract. The said one year period will also now come to an end on 15.07.2023.

4. Learned senior counsel appearing for the applicant would submit that the advertisements have already been fixed in the Bus Shelters and contracts have been entered into by the applicant with third parties and in the event of the respondent, removing the advertisements immediately after this Court vacates the interim order



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on the ground that the one year period has come to an end, the applicant will be put to irreparable hardship and loss.

5. However, the learned counsel appearing for the respondent would submit that even the license charges for the original period as per the contract, as well as for the extended period, has not been paid in full to the respondent and hence, the request of the learned senior counsel appearing for the applicant, is unreasonable and cannot be accepted.

6. Since the period of extension sought for by the applicant with the respondent that is one year, will come to an end on 15.07.2023, the question of extending the interim injunction granted by this Court, will not arise and the said order has to be vacated by this Court. However, in order to protect the applicant's interest with regard to the advertisements put up by the applicant in the Bus Shelters on Old Mahabalipuram Road, Chennai and to avoid his contractual obligations with third parties, this Court is passing the following directions while disposing of this application:-

a) The interim injunction granted on 01.12.2022, shall stand



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vacated;

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b) The applicant is granted time to remove the advertisements put up in the Bus Shelters on Old Mahabalipuram Road, Chennai, pursuant to a contract dated 27.06.2013 on or before **31.07.2023**;

c) In case, the respondent has suffered loss of revenue on account of the delay in removing the advertisements for the extended period, as well as for the period from 15.07.2023 till 31.07.2023, they are at liberty to make a claim in the arbitration to be initiated as per the Arbitration Agreement contained in the contract;

d) Apart from the aforesaid claim, the other alleged claims made by the respondent against the applicant can be made before the Arbitral Tribunal and it is for the Arbitral Tribunal, once constituted, to decide the same on merits and in accordance with law.

7. With the aforesaid directions, this Application is disposed of.

12.07.2023

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12.07.2023