



O.A.No.333 of 2024

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K. KUMARESH BABU, J.,

This application has been filed to pass an interim order restraining the respondent No2 from releasing a sum of USD 3,50,000 under the Letter of Credit dated 7th October 2023.

2. Though notice through Court and privately was attempted to be served on the first respondent, the present stage could not be ascertained, since the first respondent is located in China. The learned counsel for the applicant had also produced a Email Communication which has been sent to the Email address of the first respondent as reflected in various communication between the parties as produced by the applicant in the typed set of papers.

3. The learned counsel for the applicant had also placed a communication dated 23.08.2024, issued by the Singapore International Arbitration Centre [herein after referred to as “SIAC”] in SIAC Arbitration No.387 of 2024, appointing an Arbitrator for resolving the dispute that had arisen between the parties. Since the Arbitration proceedings had already been initiated, it is always open to the applicant to take out necessary application before the



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Arbitrator seeking interim protection also.

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4. In the present application, originally an order had been passed in favour of the applicant wherein an injunction had been passed as against the 2nd respondent as Garnishee from not releasing USD 350,000.00, under the letter of credit dated 07.10.2023 and the said letter of credit was directed to be extended by an orders of this Court until 12.08.2024. Thereafter, the letter of credit was directed to be kept alive till today, and by directing the application to be listed today.

5. The Interim orders granted by this Court was to protect the subject matter of the amount involved in the Arbitration. I see no impediment in continuing the aforesaid interim, till such an application is made by the applicant before the Sole Arbitrator who had been appointed by SIAC in the communication dated 23.08.2024 and till such orders as deemed fit is made by the Sole Arbitrator. This will not preclude the learned Sole Arbitrator from modifying or varying the orders.



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6. In view of the aforesaid circumstances, I am inclined to make the interim order dated 29.04.2024 absolute, subject to any order that will be passed by the Sole Arbitrator in an application filed before him, with regard to the letter of credit issued by the 2nd respondent. It is also made clear that the 2nd respondent shall keep the letter of credit alive till a decision is taken by the Sole Arbitrator appointed by the SIAC vide communication dated 23.08.2024.

7. With the above observation, the present application is disposed of.

09.09.2024.

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