



O.A.No.519 of 2024

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Krishnan Ramasamy, J.,

This Application has been filed seeking ad interim injunction restraining the Respondents or their men, or their agent from giving effect to the order of the 1st Respondent dated 06/07/2024 bearing letter No.CE/DB/18/2023 issued to the Applicant pending disposal of the Arbitration, award costs.

2. The learned counsel for the Applicant submitted that in the present case, they have already initiated arbitration proceedings and pending the same, the 2nd Respondents has issued show cause notice to the Applicant on 28.05.2024, for which the Applicant has given a detail reply on 24.06.2024, but without considering the said explanation submitted by the Applicant, the 1st Respondent has passed an order on 06.07.2024, blacklisting the Applicant Firm from bidding for any further construction projects of the respondent for five years. He further submitted that the Respondents issued Tender Notices dated 18.07.2024, 26.07.2024 and 30.07.2024 respectively, for which the last date of submission are



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07.08.2024, 05.08.2024 and 13.08.2024 respectively.

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3. The main grievance of the Applicant is that since the Applicant-Firm was blacklisted they are not in a position to participate in any of the the tender floated by the Respondent. It is contended by the learned counsel for the Applicant that when the matter was listed before the learned arbitrator on 27.07.2024, since there was bereavement in the family of the learned Arbitrator, the matter was adjourned without mentioning the date of next hearing. Hence the learned counsel for the Applicant prays to consider this Application.

4. Considering the submissions made by the learned counsel for the applicant and on perusal of the records, this Court is of the view that the applicant has made out a *prima facie* case and the balance of convenience is also in favour of the applicant. Further, if this Court refused to grant interim injunction as prayed for in this application, the interest of the applicant would be affected prejudicially since the blacklisting order was passed when the arbitral proceeding is pending before the Arbitral Tribunal. Therefore, this Court is inclined to grant an order of interim injunction.



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5. Accordingly, this Court feels it appropriate to pass the following order:

i) The respondents are directed to permit the applicant to participate in the tender process subject to the outcome of the present original application,

ii) The Arbitral Tribunal shall consider the present application as Section 17 application and accordingly, pass appropriate orders, on merits, without influenced by the observations made by this Court in the present order.

iii) The parties are granted liberty to raise all their contentions before the Arbitral Tribunal.

6. With the above directions, this application is disposed of.

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Note: Issue order copy on 02.08.2024



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