



W.P.(MD) No.12366 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD) No.12366 of 2017

C.Chinnadurai

.. Petitioner

Vs.

The Chief Terminal Manager,
Indian Oil Corporation Ltd.,
Harbour Estate, Tuticorin

.. Respondent

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, to call for the records of the respondent relating to the impugned order ref. MDU/OPS/17-6, quash the order dated 18.10.2016 passed therein and consequently direct the respondent to refund the forfeited Security deposit of Rs.8,00,000/- to the petitioner with interest, damages for the mental strain and personal loss caused to the petitioner by the vindictive act of the respondent and cost for this action.

For Petitioner : Mr.S.Seenivasagam

For Respondent : Mr.K.Muraleedharan
Standing Counsel



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ORDER

This writ petition has been filed challenging an order passed by the respondent forfeiting the security deposit lying with them in lieu of violation of the terms of the contract that had been entered into between the parties.

2. Clause 16 of the contract dated 16.01.2013 that had been entered into between the parties provides for a clause of arbitration on any disputes that arise between them from the contract.

3. In view of the specific provision of referring the dispute for arbitration between the parties, which has been consented to by both the parties, this writ petition under Article 226 of the Constitution of India cannot be maintained, as there is an efficacious alternative remedy available to the petitioner.



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4. However, considering the fact that this writ petition has been kept pending for a long time and disputed questions have been raised, this Writ Petition is disposed of with liberty to the petitioner to invoke the provisions of Clause 16 of the contract dated 16.01.2013 in the manner known to law within a period of two months from today (02.12.2024). If the petitioner invokes Clause 16 relating to the clause of arbitration, the time period of pendency of this writ petition shall stand excluded by invoking Article 14 of the Limitation Act. No costs.

02.12.2024

Note: Issue order copy by 04.12.2024

NCC : Yes/No

Index : Yes/No

Internet : Yes

abr

To

The Chief Terminal Manager,
Indian Oil Corporation Ltd.,
Harbour Estate, Tuticorin



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K.KUMARESH BABU, J.

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