



O.A.No.23 of 2024

O.A.No.23 of 2024
and
Arbitration Application No.31 of 2024

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ABDUL QUDDHOSE, J.

Khimraj Sakariya

.. Applicant

Vs.

M/s.Landmark Housing Projects (Chennai)
Pvt. Ltd.,
Chennai.

.. Respondent

In O.A.No.23 of 2024, admittedly, the applicant was granted the benefit of interim injunction as early as 12.01.2024. Admittedly, the applicant has also not initiated arbitration within a period of 90 days from the date of the said order, but, has initiated arbitration only thereafter, even according to the learned counsel for the applicant.

2. As per Section 9(2) of the Arbitration and Conciliation Act, 1996 (in short “the Act”), the arbitration will have to be initiated within a period of 90 days from the date of the order passed in favour of the applicant under Section 9 of the Act. Since the applicant has not initiated arbitration within a period of 90 days from 12.01.2024, the interim injunction granted in favour of the applicant by this Court has to



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be vacated and accordingly, interim injunction granted by this Court on

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12.01.2024 in O.A.No.23 of 2024 stands vacated and liberty as sought

for by the learned counsel for the applicant to approach the Arbitrator

seeking interim relief under Section 17 of the Act once the Arbitrator is

appointed by this Court under Section 11 of the Act is granted.

However, the learned counsel for the respondent submits that even such

an application to be filed by the applicant may not be maintainable.

3. This Court is of the considered view that any objection with regard to maintainability of the application to be filed under Section 17 of the Act by the applicant in the near future has to be raised only before the Arbitrator and not before this Court. Accordingly, in terms of the above directions, O.A.No.23 of 2024 is disposed of. Consequently, Arbitration Application No.31 of 2024 filed by the applicant seeking to furnish security is closed.

19.02.2025

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