



O.A.No.917 of 2024

P.B.BALAJI, J.

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This application has been filed under Section 9 of the Arbitration and Conciliation Act, 1966, to restrain the respondents 1 to 3 or anybody claiming through them from in any manner alienating, selling, transferring, encumbering or creating third party rights in the schedule property situated at Kattumavadi Village, Nagapatinam District pending the initiation and completion of the arbitration proceedings.

2.Heard the learned counsel for the applicant. The affidavit filed along with the application and also the additional affidavit filed today are perused.

3.It is the specific case of the applicant that the applicant is solar park developer and he had entered into a written agreement with the respondents for setting up a solar plant. In furtherance of the said contract, the applicant has made substantial advances to the respondents, besides also submitting a bank guarantee to the tune of Rs.75 lakhs to TANGEDCO for securing approvals for the project. However, it is the case of the applicant that the respondents are now trying to alienate the subject property, which would cause irreparable loss to the applicant, who has already spent enormous time and money in the said project.



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4.The letter of intent contains an arbitration clause. I am satisfied that despite payment of huge advances paid to the respondents and also furnishing bank guarantee to the TANGEDCO, in furtherance of the Solar Project, the applicant will be put to irreparable loss if the respondents deal with the property, with a view to defeat the rights of the applicant and hence, there shall be an order of interim injunction as prayed for.

5.The applicant is directed to strictly comply with the provisions under Order XXXIX Rule 3(a) of C.P.C., and file necessary affidavit in Court regarding compliance.

6.Issue notice to the respondents through Court as well as privately, returnable by 20.12.2024.

7.Post the matter on 20.12.2024.

05.12.2024

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Note : Issue order copy on 06.12.2024.



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