NC: 2024:KHC-D:7529
AP.IM No. 100001 of 2023

IN THE HIGH COURT OF KARNATAKA, DHARWAD BENCH

DATED THIS THE 6TH DAY OF JUNE, 2024

BEFORE

THE HON'BLE MR JUSTICE SACHIN SHANKAR MAGADUM

ARBITRATION PETITION-INTERIM MEASURE NO. 100001 OF 2023 (-)

BETWEEN:

MEIR COMMODITIES INDIA PRIVATE LIMITED,
A COMPANY REGISTERED UNDER
THE PROVISIONS OF THE COMPANIES ACT, 1956,
THROUGH ITS AUTHORIZED REPRESENTATIVE
SHRI. SUSHANT SHANKAR MUNGARE,
AGE: 35 YEARS, OCC: SERVICE,
R/O. 1108, THE COPRORATE PARKS
PREMISES COOP. HOUSING SOCIETY,
VASHI, NAVI MUMBAI-400703.

...PETITIONER

(BY SRI. SANGRAM S. KULKARNI, ADVOCATE)

AND:

SHRI HIRANYEKESHI SAHAKARI SAKKARE
KARAKHANE NIYAMAT,
SANKESHWAR REGISTERED AND
INCORPORATED UNDER THE MULTI STATE
COOPERATIVE SOCIETY ACT, 2022,
HAVING ITS REGISTERED OFFICE AT,
SANKESHWAR, TAL: HUKKERI,
DIST: BELAGAVI-591314.

...RESPONDENT

(BY SRI. GANGADHAR J.M., ADVOCATE)

YASHAVANT NARAYANKAR
Digitally signed by YASHAVANT NARAYANKAR
Location: HIGH COURT OF KARNATAKA, DHARWAD BENCH

ARBITRATION PETITION-INTERIM MEASURE IS FILED U/S 9 OF ARBITRATION AND CONCILIATION ACT, 1996, PRAYING TO RESTRAIN RESPONDENT, ITS REPRESENTATIVES, OFFICERS, EMPLOYEE, AGENTS, SERVANTS AND / OR ANY PERSON CLAIMING THROUGH OR UNDER IT FROM DEALING WITH THE CONTRACTED QUANTITY OF 10,000 MT SUGAR OUT OF INCREASED QUOTA OF ALLOCATED SUGAR FOR EXPORT BY GOVERNMENT OF INDIA, IN ANY MANNER WHATSOEVER; THE RESPONDENT BE DIRECTED TO UNDERTAKE TO SUPPLY SUGAR TO THE PETITIONER IN TERMS OF THE AGREEMENT DTD 10.10.2022 IF THE GOVERNMENT INCREASES ITS QUOTA FOR THE CURRENT SEASON; APPOINT THE COURT

RECEIVER OR ANY OTHER FIT AND PROPER PERSON AS THIS HON'BLE COURT MAY DEEM FIT AS THE RECEIVER WITH ALL POWERS UNDER ORDER XL OF THE CODE OF CIVIL PROCEDURE, 1908 TO TAKE CUSTODY OF THE CONTRACTED QUANTITY OF 10,000 MT SUGAR; FOR AD-INTERIM RELIEFS IN TERMS OF PRAYER CLAUSE (A) (B) AND (C) ABOVE; THE RESPONDENT MAY KINDLY BE DIRECTED TO FURNISH A BANK GUARANTEE IN FAVOUR OF THE PETITIONER FOR RS.12,00,00,000/- (RUPEES TWELVE CRORES) TOWARDS DAMAGES ALONG-WITH EMD AND INTEREST UPTO THE DATE OF PAYMENT TO BE INVOKED IN OCTOBER IF ADDITIONAL QUOTA DOES NOT COME OR IT COVERS LESS THAN 10,000 MT AND ETC.

THIS PETITION, COMING ON FOR ADMISSION, THIS DAY, THE COURT MADE THE FOLLOWING:

ORDER

Learned counsel for the petitioner has filed a memo stating that arbitrator has passed an award on 19.01.2024 and therefore, the petition does not survive for consideration and the same may be dismissed as infructuous.

2. Memo is placed on record.

3. Accordingly, the petition is dismissed as having become infructuous.

Sd/-
JUDGE

MBS
Ct-mck