

WEB COPY

OA No. 1010 of 2



Order QR

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-09-2026

CORAM

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

OA No. 1010 of 2026

Grand Blue Projects Pvt Ltd, Rep by its Authorised
Signatory Mr.G.Hanumantha Rao,
12 Saravana Nagar Hanuman Colony
Injambakkam Chennai 600 115

..Applicant

Vs

1. M/s.True Value Home India Pvt Ltd, Rep.by its
Director Mr.N.Ravichandran
Having office at
No. 21, C.V.Raman Road, Alwarpet,
Chennai 600 018.

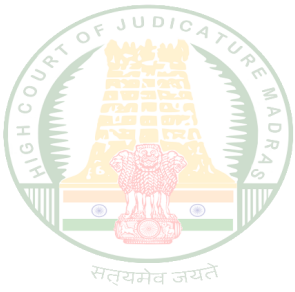
2. M/s.TVH Estates Chennai Pvt Ltd
Rep.by its Director
Mr.N.Ravichandran
Having office at
No.21, C.V.Raman Road, Alwarpet,
Chennai – 600 018.

..Respondents

Original Application filed under Order XIV Rule 8 of O.S.Rules read with Section 9(ii)(d) of Arbitration and Conciliation Act, 1996, to issue an order of interim injunction restraining the respondents, their men, representatives, nominees, agents, employees or any person on their behalf from encumbering, creating a charge, transferring, alienating, disposing of or dealing with Schedule B Property.

For Applicant : Mr. Abdul Hameed, Senior Counsel
for Ms.Anbarasi Rajendran

For Respondents : MR.Sathish Parasaran, Senior Counsel
for Mr. V.G.Suresh Kumar

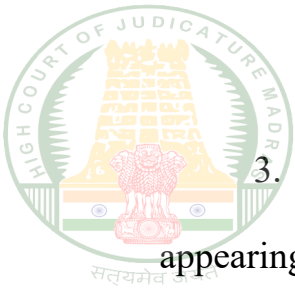


ORDER

WEB COPY

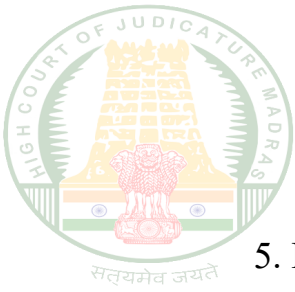
This application has been filed to issue an order of interim injunction restraining the respondents, their men, representatives, nominees, agents, employees or any person on their behalf from encumbering, creating a charge, transferring, alienating, disposing of or dealing with Schedule B Property.

2. When the matter came up for hearing, the learned Senior Counsel appearing on behalf of the respondents had raised primordial objection as regards the maintainability of present Section 9 application. He would contend that the applicant had earlier approached the District Legal Services Authority, Chengalpattu under the provisions of Section 12A of the Commercial Courts Act, 2015 for invoking a pre-institution mediation and in that regard, he would submit that the applicant had suppressed the aforesaid material facts under Section 9 application. He would submit that having given up his rights of invoking the arbitration clause under the agreement and having approached the Civil Court invoking its power under the Commercial Courts Act, 2015, the applicant cannot maintain the present Section 9 application seeking to invoke the clause of arbitration. He would reiterate that the applicant had come with unclean hands suppressing the material facts before this Court in seeking an order of injunction.



3. On the other hand, Mr. Abdul Hameed, learned Senior Counsel appearing for the applicant would submit that in view of the urgency in coming to the Court to protect its rights under the memorandum of understanding, by oversight certain facts have been failed to be disclosed in the affidavit. Further, he would submit that the process of mediation had been averred in the affidavit, which could also be read as a mediation intended through the District Legal Service Authority. He would further submit that, he would advise the applicant to withdraw the proceedings initiated before the District Legal Services Authority as the only right available to him, is to initiate arbitral proceedings. He would further submit that, in the event, the suit is being instituted, he would have to face an application under Section 8 of the Arbitration Act to refer the parties to arbitration at the behest of the respondents. Hence, he would submit that in view of the urgent interim orders arising out of the conduct of the respondent in dealing with the property unilaterally by selling the same by creating 3rd party, its right should be protected.

4. In reply, Mr. Sathish Parasaran, learned Senior Counsel would submit that, if the applicant proceeds further under the Commercial Court Act before the District Court, Chengalpattu in the commercial Division, he would not have any objection in the suit being proceeded with.

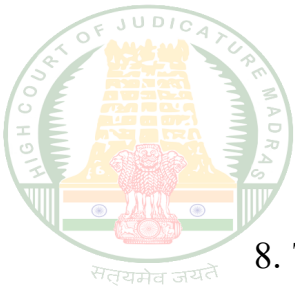


WEB COPY

5. I have considered the said submissions made on either side.

6. The maintainability of the application had been stoutly challenged as the applicant as it had already invoked the provisions of the Commercial Courts Act before the Commercial Division Court at Chengalpattu District.

7. A perusal of the affidavit filed by the applicant as rightly pointed out by the learned Senior Counsel for the respondents do not disclose such invocation by the applicant. The applicant had made a request for invoking Section 12A on 28.08.2026, which was directed to be addressed by the concerned Taluk Legal Services Authority by the Chairman/Principal District Legal Services in the Chengalpattu. Notices have also been issued for the parties in Form - II by the District Mediation and Conciliation Centre by proceedings dated 18.09.2026 requiring their presence on 22.09.2026 and it is further be posted on 05.10.2026. The present application had been presented before this Court through e-filing on 21.09.2026 and physically on 22.09.2026, the date on which, the mediation was also be taken up. These materials facts have not been disclosed by the applicant in his present affidavit filed in support of the application. The applicant had voluntarily initiated proceedings under the Commercial Courts Act can only be deemed to have given up its right to initiate arbitral proceedings.



8. The learned Senior Counsel for the respondents had also indicated that the respondents would submit to the proceedings initiated under the Commercial Courts Act and in that regard, this Court is of the view that the applicant, who had come before this Court cannot be allowed to invoke the provisions of the Arbitration Act without putting an end to the proceedings initiated under the Commercial Courts Act. The applicant had also come to this Court with unclean hands by suppressing the initiation of the proceedings under the Commercial Courts Act.

9. For the aforesaid reasons, this Court is of the view that the applicant is not entitled to any relief at present under Section 9 of the Act. Accordingly, this application stands dismissed. However, liberty is granted if the applicant withdraw the proceedings currently pending before the Commercial Court, upon which they shall be entitled to approach this Court. No costs.

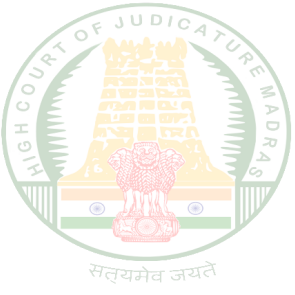
28-09-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

MP



WEB COPY

OA No. 1010 of 2



Order QR

K.KUMARESH BABU J.

mp

OA No. 1010 of 2026

28-09-2026