

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **29.04.2016**

CORAM:

THE HONOURABLE MR. JUSTICE **T.S. SIVAGNANAM**

O.P.No.129 of 2014

M.K.Veni .. Petitioner

Vs

1.The Deputy General Manager, O & M
BSNL, Chennai Telephones, Adyar.

2.The Deputy General Manager,
Network Planning III Consumer Mobility
2nd floor, R.K.Nagar, Telephone Exchange Building
238, R.K.Mutt Road, Mandavelli,
Chennai 600 028.

.. Respondents

Prayer : Petition under section 11(5) of the Arbitration and Conciliation Act, 1996 (a) to appoint an arbitrator already mentioned by the petitioner or such other person as this Court deem fit under section 11(5) of the Arbitration and Conciliation Act, 1996 and i.e. accordance with the Clause 13(b) of the Lease agreement dated 28.04.2009 to resolve the disputes that have arisen between the petitioner and the respondents (b) direct the respondents to pay the costs of this Petition.

For Petitioner : Mr.S.Mahesh

For Respondents : Mr.M.Vivekanandan

ORDER

Heard Mr.S.Mahesh, learned counsel appearing for petitioner and Mr.M.Vivekanandan, learned counsel appearing for respondents.

2. The Original Petition was referred for mediation by an order dated 24.07.2015. By the untiring efforts of the dedicated mediators, the parties were able to enter into an agreement dated 20.11.2015. For better appreciation, the entire agreement is quoted herein below:

MEDIATION AGREEMENT

		Date: 20.10.2015.
Mediation Case No	: 961/2015.	
Case Details	: O.P.No.129/2014.	
Referred by	: The Hon'ble Chief Justice.	
Date of Order	: 24.07.2015.	
Parties Name	: M.K.Veni	– Petitioners
-Vs-		
	The Deputy General Manager (O & M), —Respondent BSNL Chennai Telephones, Adyar, And 2 others.	
Counsel Name	: M/s.S.Mahesh, Advocate for Petitioner	

Mr.M.Vivekanandan, Advocate for Respondents.

Both sides, out of their own volition and without any pressure or coercion from any side have agreed as follows:

1. The 1st Respondent has issued letter No.BSNL/DGM (NWO-ADY)/ M.K.Veni/15-16/dated 19.11.2015 receiving approval of the competent authority for this settlement.
2. The Respondent will pay to the Petitioner a sum of Rs.3,00,000/- (Rupees three lakhs only) in full and final settlement of the amounts claimed by the Petitioner under the lease dated 28.04.2009 between the 1st Respondent and the Petitioner.
3. The Settlement is subject to the payment of the above sum of Rs.3 lakhs on or before 04.12.2015.
4. In the event of the above sum not being paid to the Petitioner before that date or such further date which the Petitioner may agree the settlement will abate and the parties will proceed to arbitration in terms of the order of the Hon'ble Madras High Court dated 24.07.2015 in OP.No.129/2014.

SD/
Mrs.M.K.Veni
Rep. by Authorized
Mr.Muthukrishanan
(Petitioner)

SD/

M/s.S.Mahesh
(Counsel for Petitioner)

SD/
The DGM, O & M
BSNL, Chennai Telephones, Adyar
(1st Respondent)

SD/
The DGM,

Network Planning III Consumer Mobility,
Chennai.
(2nd Respondent)

SD/
Divisional Engineer (Legal),
O/o AGM (HR/A),
Chennai Telephones,
Chennai.

(3rd Respondent)

SD/
Mr.M.Vivekanandan

(Counsel for Respondents)

3. Thus, the mediation agreement entered into between the parties dated 20.11.2015, is placed on record and the Original Petition is disposed of in terms of Mediation Agreement dated 20.11.2015. The Mediation Agreement dated 20.11.2015 shall form part of the order.

29.04.2016

rpa

T.S. SIVAGNANAM, J.

O.P.No.129 of 2014

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