

In the High Court of Judicature at Madras

Dated: 16.03.2015

Coram:

The Honourable Mr. SANJAY KISHAN KAUL, Chief Justice
and
The Honourable Mr. Justice M.M. SUNDRESH

O.S.A. No.1 of 2014
and M.P. No.1 of 2014

Chennai Metro Rail Limited
rep. by its Chief General Manager
(Construction) Thiru.V.Somasundram
Harini Towers, No.7, Conran Smith Road
Gopalapuram, Chennai 600 086. ... Appellant / Respondent

vs.

M/s. Lanco Infratech Limited
rep. by its General Manager
Mr. D. Ramesh
No.25, G.N. Chetty Road
4th Floor, T. Nagar, Chennai-17. ... Respondent/ Applicant

Prayer: Original Side Appeal filed under Order XXXVI, Rule 1 of Original Side Rules read with Clause 15 of the Letters Patent, to set aside the Order and Decree dated 09.12.2013 passed by the learned Single Judge, in Application No.5861 of 2013 in Application No.3791 of 2013 on the file of this Court.

For Appellant : Mr. R. Thiagarajan, Sr. Counsel
for Mr. Jayesh B. Dolia

For Respondent : Mr. V.T. Gopalan, Sr. Counsel
for Mr. K. Ravindranath

J U D G M E N T

(Made by The Hon'ble The Chief Justice)

The subject matter of the present appeal is the order dated 09.12.2013 passed on an application filed by the respondent under Section 9 of the Arbitration and Conciliation Act, 1996, seeking payment of the work duly certified as complete by the appellant, amounting to Rs.2,23,68,184/- within two weeks of the date of the order.

2. In appeal, a direction was passed on 06.01.2014 for depositing of the amount with the Registrar General of this Court. The amount is stated to have already been deposited on 18.01.2014.

3. The controversy is now limited to the aspect, whether this amount should be released to the respondent unconditionally or subject to certain conditions or whether it should be kept deposited with the Registrar General, but in FDRs, so that it can earn interest.

4. Needless to say that unless it is paid unconditionally to the respondent, the same cannot be said to be in satisfaction of the payment due.

5. It is agreed that the aforesaid issue be left to the Arbitral Tribunal, which will have the conspectus of whole issue before it to choose any of these options or any other feasible option as an interim arrangement. Thus, it will be open to the Arbitral Tribunal to modify the order of the learned single Judge already passed taking into consideration the pleadings and the documents and the conspectus of the dispute.

6. In order to enable the amount deposited with the Registrar General to earn some interest till the issue is decided by the Arbitral Tribunal, the amount be kept in FDRs of 91 days to be kept renewed till the decision by the Arbitral Tribunal.

7. The appeal accordingly stands disposed of. No costs. Consequently, M.P.No.1 of 2014 is closed.

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

ATR

To

The Sub Assistant Registrar
Original Side
High Court, Madras

1 cc to Mr.K. Ravindhranath, Advocate, sr. 14689

O.S.A. No.1 of 2014

SAI (CO)
kk 18/3



WEB COPY