

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.03.2015

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.5990 of 2015

And

M.P.No.1 of 2015

M/s.Mohata Construction Company
By its partner Mr.Jai Kishan Mohata
Ramavaram, Chennai - 89.

... Petitioner

Vs.

1. Chief Engineer
Chennai Zone
Island Grounds
Chennai - 600 009.

2. Garrison Engineer (Old MH Complex) Chennai,
Rudra Road,
St.Thomas Mount,
Chennai - 600 016.

3. Assistant Garrison Engineer B/R, (P) No.2,
Rudra Road,
St.Thomas Mount,
Chennai - 600 016.

4. Commander Works Engineer,
Island Grounds,
Chennai - 600 009

सत्यमेव जयते

... Respondents

Prayer:

Petition filed under section 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to pay the amounts to the petitioner due under the existing contracts without deducting payment for the guarantee dated 16.11.2010 for wood work under CA No CECZ/CHE/11 of 2006-07:Provision of Children School.

For Petitioner

: Mr.T.V.Lakshmanan

O R D E R

The petitioner has filed this writ petition seeking to direct the respondents to pay the amount due to the petitioner under the existing contract without taking payment from the guarantee dated 16.11.2010 for the wood work under the contract given to the petitioner for provision of children school.

2. Admittedly, the relief claimed by the petitioner is pursuant to a contract awarded to them by the respondents. The contract provides for an arbitration in the case of dispute between the parties. The petitioner has rightly invoked the said arbitration clause and issued communication dated 23.02.2015 to the respondents requesting them to initiate arbitration proceedings in respect of the matter.

3. Now, the petitioner would state that while effecting payment for the existing contract, there is a move by the respondents to deduct payment from the guarantee given by the petitioner in respect of other contractors.

4. If that is so, it is always open to the petitioner to seek for interim protection under the Arbitration and Conciliation Act, 1996.

5. This writ petition is disposed of with the above observation. No costs. Consequently, the connected miscellaneous petition is closed.

pri

-s/d-

Assistant Registrar(CO)

Dt:6/3/2015

True Copy

Sub-Assistant Registrar

To

1. Chief Engineer
Chennai Zone
Island Grounds
Chennai - 600 009.

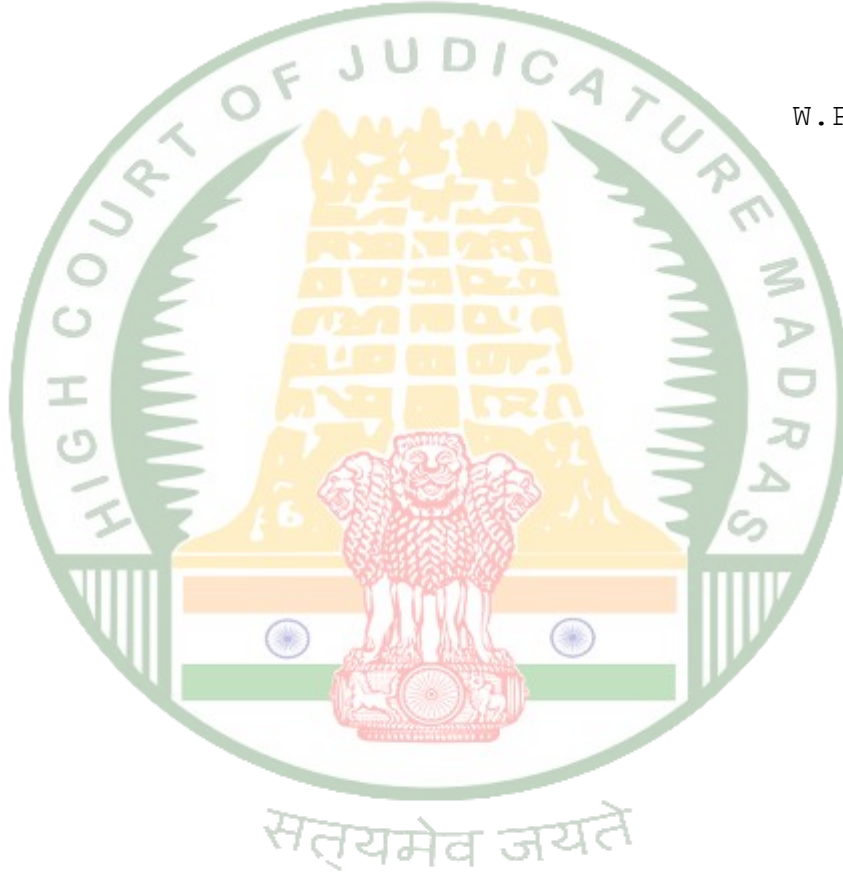
2. Garrison Engineer (Old MH Complex) Chennai,
Rudra Road,
St. Thomas Mount,
Chennai - 600 016.

3. Assistant Garrison Engineer B/R, (P) No.2,
Rudra Road,
St.Thomas Mount,
Chennai - 600 016.

4. Commander Works Engineer,
Island Grounds,
Chennai - 600 009

+ 1 cc to M/s.T.V.Lakshmanan, Advocate SR 12116

ppa (co)
prk6/3



W.P.No.5990 of 2015
And
M.P.No.1 of 2015

WEB COPY