

In the High Court of Judicature at Madras

Dated : 25.11.2016

Coram :

The Hon'ble Mr.Sanjay Kishan Kaul, Chief Justice

O.P.No.767 of 2016

M/s.T.K.Constructions,
rep. by its Proprietor T.Kannappan,
Civil Engineers & Contractors,
Thanakodi Building,
No.142, Anna Salai,
Puducherry-1.

.. Petitioner

-VS-

- 1.The Chief Engineer,
Public Works Department,
Puducherry-605 013.
- 2.The Superintending Engineer Circle-II,
Public Works Department,
Puducherry.
- 3.The Executive Engineer,
Irrigation Division,
Public Works Department,
Puducherry.

.. Respondents

Petition filed under Section 11 (6) of the Arbitration and Conciliation Act, 1996, to appoint independent Sole Arbitrator to adjudicate upon the claims of the petitioner as the Arbitration Application submitted by the petitioner to the Chief Engineer, Public Works Department, Puducherry viz, the first respondent herein dated 09.06.2015 as per the Agreement No.13/PW/ID/A2/2014-2015 dated 29.04.2014 and as per Clause 25 of the General Conditions of the Contract for Public Works, 1996.

For Petitioner : Mr.N.Thiagarajan

For Respondents : Mrs.Reena Iswariya

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ORDER

It appears that the work has not been commenced by the petitioner, for which the learned counsel for the respondents states that the blame really lies on both sides. The learned counsel for the petitioner however states that it is the respondents who are to be solely blamed and the petitioner had incurred some expenses, though undisputedly the work has not commenced.

2. The learned counsel for the petitioner further states that the petitioner is willing to commence the work provided the rates are as specified in the escalation clause considering the time period already elapsed.

3. The learned counsel for the respondent states that the respondents are willing to look into this issue, if a revised proposal is sent.

4. The learned counsel for the petitioner states that a revised proposal will be sent within three weeks and the respondents will take a decision on the same within three weeks thereafter.

5. The learned counsel for the respondents makes it clear that in the eventuality of the revised proposal being accepted, no claim would be laid by the petitioner in respect of the miscellaneous expenses for the past.

6. The original petition, accordingly, stands disposed of with liberty to revive the same, in case the matter is not resolved. No costs.

(S.K.K., CJ.)
25.11.2016

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The Hon'ble Chief Justice

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