



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 11.02.2016

CORAM

THE HONOURABLE MR.JUSTICE B.RAJENDRAN
W.P.(MD)No.14903 of 2011

WEB COPY

M/s. Providence Protection and Detectives,
represented by its Manager,
N.K.Unnikrishna Pillai,
S/o. Late Kuttappa Kurup,
Valakkottu Tower 2nd Floor,
Moonamkutty,
Pullikkanakku Post,
Kayamkulam (via),
Kerala 690 537.

... Petitioner

Vs.

Bharat Sanchar Nigam Limited (BSNL),
represented by its Assistant General Manager
(H.R. & Admn),
BSNL Complex,
Ram Nagar,
Thanjavur 613 007.

... Respondent

Prayer: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondent to release the amount of Rs.3,60,283/- to the petitioner forthwith.

For Petitioner : Mr.Shabu Sreedharan
For Respondent : Mr.K.Govindarajan

O R D E R

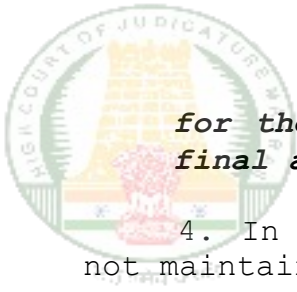
The writ petition has been filed for issuance of a Writ of Mandamus directing the respondent to release the amount of Rs.3,60,283/- to the petitioner forthwith.

2. Heard the learned counsel for the petitioner and the learned counsel for the respondent.

3. In the affidavit, the petitioner clearly states that the second respondent issued a Memo No.G60/Secy-Providence/2010-2011 dated 06.07.2011, stating that as directed by the BSNL Office, earlier the amount of Rs.3,60,283/- has been adjusted in the bill for March - 2011 and the remaining amount will be adjusted in the bill for April - 2011. He has not challenged that order, but he seeks for the release of the amount, which is not correct even as per the arbitration agreement. Clause 14 of the agreement reads as

<https://hcservices.mca.gov.in/hcservices/>

"14. We agree that to settle the disputes, the matter should be referred to an Arbitrator so appointed by the BSNL



for the purpose and the decision of the arbitrator will be final and binding on both the parties."

4. In view of the arbitration agreement, the Writ Petition is not maintainable and the same is dismissed. No costs.

Sd/

Assistant Registrar (As)

/True Copy/

Sub Assistant Registrar

akv

To.

The Assistant General Manager,
Bharat Sanchar Nigam Limited (BSNL),
(H.R. & Admn),
BSNL Complex,
Ram Nagar,
Thanjavur 613 007.

+1cc to M/s.K.Govindarajan, Advocate SR.No.8856

Cn/Gsv-An/22.2.2016/3c-2p

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