

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.6.2017

CORAM

THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HON'BLE MR.JUSTICE RMT.TEEKAA RAMAN

Writ Appeal No.637 of 2017

Navayuga Infotech Private Ltd.
rep. by its Vice President U.B.Raju
250/94, Parsn Apartment
3rd Floor, Lloyds Road
Gopalapuram
Chennai 600 086. ... Appellant/Petitioner

Vs.

1. The Tamil Nadu Electricity Board
rep. by its Chief Engineer/R-APDRP
144, Anna Salai
Chennai 600 002.
2. The ITI Ltd.
Corporate Marketing Unit F84 ITI
Complex Dooravani Nagar
Bangalore 560 016. ... Respondents/Respondents

Appeal under Clause 15 of the Letters Patent filed against
the order dated 26.5.2017 made in W.P.No.13520 of 2017.

Prayer in WP.No.13520/17:

Pleased to call for the entire records pertaining to the
impugned order of the 1st respondent in their letter proceedings
Letter No.CE/RAPDRP/ SE-II/ RAPDRP/EE-4/AEE1/ FTIA-
Notice/D.143/17 dated 28.03.2017 and quash the same consequently
direct the 1st respondent to make the milestone payment of a sum
of Rs. 140 crores for the work already completed by this
Petitioner in terms of the contract dated 30.10.2010 between
this petitioner and 1st respondent pursuant to the contract of
Restructured Accelerated Power Development Programme

For Appellant : Mrs.P.Bagyalakshmi
For Respondent-1 : Mr.A.Abdul Hameed
For Respondent-2 : Mrs.Rita Chandrasekaran

J U D G M E N T

(Delivered by Hluvadi G.Ramesh,J)

The writ appeal is directed against the order dated 26.5.2017 made in W.P.No.13520 of 2017.

2. Heard the learned counsel appearing for all the parties.

3. The learned counsel appearing for the appellant submitted that the writ appeal may be dismissed as withdrawn, in view of the order dated 21.6.2017 passed by the Apex Court in Civil Appeal No.008354 of 2017 (@ SLP(C) No.16470 of 2017), the relevant portion of which reads as under:

"In the circumstances, we record the statement which has been made on behalf of respondent No.1 and Writ Appeal No.637 of 2017 shall stand dismissed as withdrawn. In consequence, the order passed by the Division Bench on 12.06.2017 is, by consent of the appellant and respondent No.1, set aside. Respondent No.1 is at liberty, in terms of the directions issued by the learned Single Judge of the High Court, to pursue its claims including an application for interim directions before the Arbitral Tribunal. Since the learned Single Judge has requested the Arbitral Tribunal to expedite the disposal of the interim application, if any, nothing further need be observed in that regard."

4. In view of the observation made by the Apex Court as well as the submission made by the learned counsel for the appellant herein, this writ appeal stands dismissed as withdrawn. However, there shall be no order as to costs. Consequently, CMP Nos.8829 to 8832 of 2017 are also dismissed.

Sd/-

Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

kpl

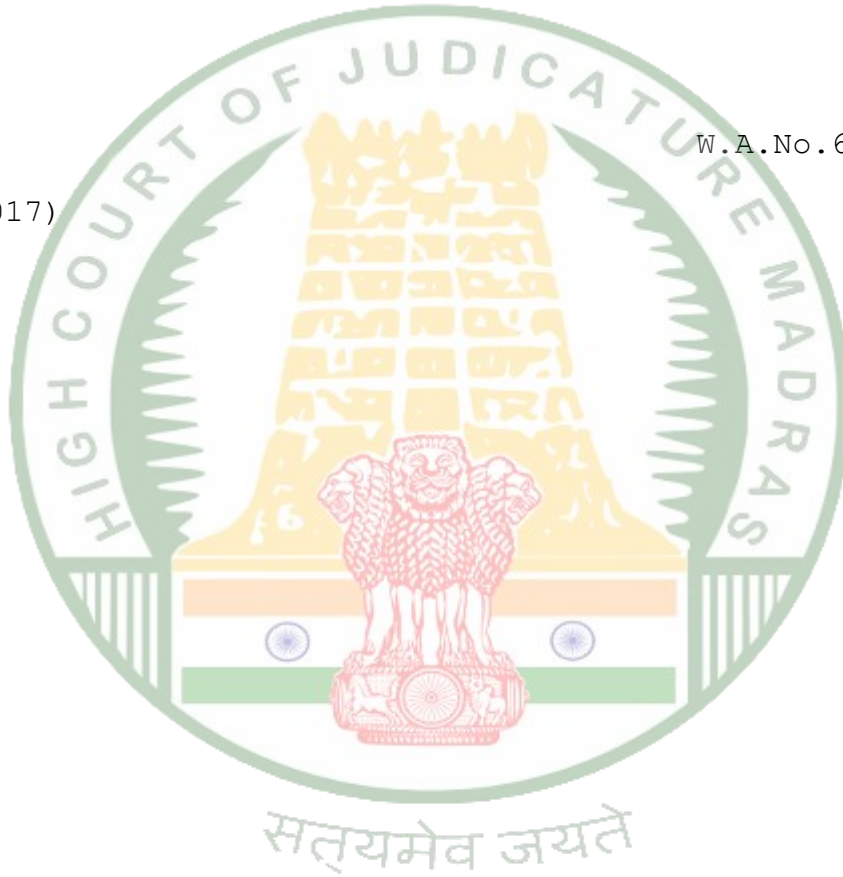
To

1.The Chief Engineer/R-APDRP
Tamil Nadu Electricity Board
144, Anna Salai
Chennai 600 002.

2. The ITI Ltd.
Corporate Marketing Unit F84 ITI
Complex Dooravani Nagar
Bangalore 560 016.

W.A.No.637 of 2017.

sj(co)
ss(13/7/2017)



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