

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.10.2017

CORAM

THE HONOURABLE MR. **JUSTICE M.M.SUNDRESH**

O.P.No.584 of 2015

M/s Simplex Infrastructures Ltd.,
(Erstwhile M/s Simplex Concrete Piles (India) Ltd.)
"Vaikunth" 2nd floor, 82-83 Nehru Place,
New Delhi-110 019.

Represented by Mr.R.K.Bagri, Senior Executive

..Petitioner

Vs.

1.M/s Bharat Heavy Electricals Ltd.,
(A Govt. of India undertaking),
Rep., by its Additional General Manager/Contracts
Mr.T.K.Kasinathan, New No.690, Old No.474,
Anna Salai, Nandanam, Chennai-600 035.

2.Mr.K.Ramachandran,
AL-207/1, 11th Main Road,
Anna Nagar(W),
Chennai-600 040.

.. Respondents

Original Petition filed under Section 34 of the Arbitration and Conciliation Act, 1996, to set aside the Award dated 19.01.2015 insofar as it disallows claim III and only partially allows claim IV.

For Petitioner : Mr.Thriyambak J. Kannan

For Respondents : Mr.Karthik Ram Mohan for
M/s Ramasubramaniam & Associates

ORDER

Today, when the matter stands posted for withdrawal, the learned counsel appearing for the respondent has filed the Minutes of Meeting dated 30.01.2017 held between the parties. The following is the relevant part of the Minutes.

“(B) Issues of Civil & Structural Works for 2 x 500 MW Simhadri Thermal Power Project.

In respect of Claims on work executed at Shimadri TPS, vide LOI Nos.BHEL:PSSR:RCT:809 A, DT.17/03/99, 809 C, D & E, all three dt.12.04.99, arbitration was invoked by M/s Simplex, and Hon'ble Arbitrator passed an award on 19/01/2015 which was challenged in Hon'ble High Court of Madras vide OP No.584 of 2015.

After discussion M/s Simplex agreed to withdraw the same OP No,584 of 15, agreed to accept the Arbitrator's award of Rs.34,33,287/-(rupees Thirty Four Lakh Thirty Three Thousand Two Hundred Eighty Seven only) in view of future business relationship with BHEL. With this issues relating to Civil & Structural Works executed at Simhadri vide SCT 809 A, 809C, 809D and 809 E are settled and Simplex shall have no claims under the contracts.

BHEL stated that on withdrawal of the Court case vide OP.584 of 15, the arbitration award will be put up

for approval of competent authority for payment to M/s Simplex. On approval payment shall be released to Simplex.

Simplex requested BHEL to release the payment within one month's time. BHEL will make efforts to release the payment.”

2.The learned counsel for the petitioner also would submit that the matter has been amicably resolved and hence, the original petition has to be dismissed as withdrawn. He has also made an endorsement to that effect.

3. Accordingly, the original petition stands dismissed as withdrawn.
No costs.

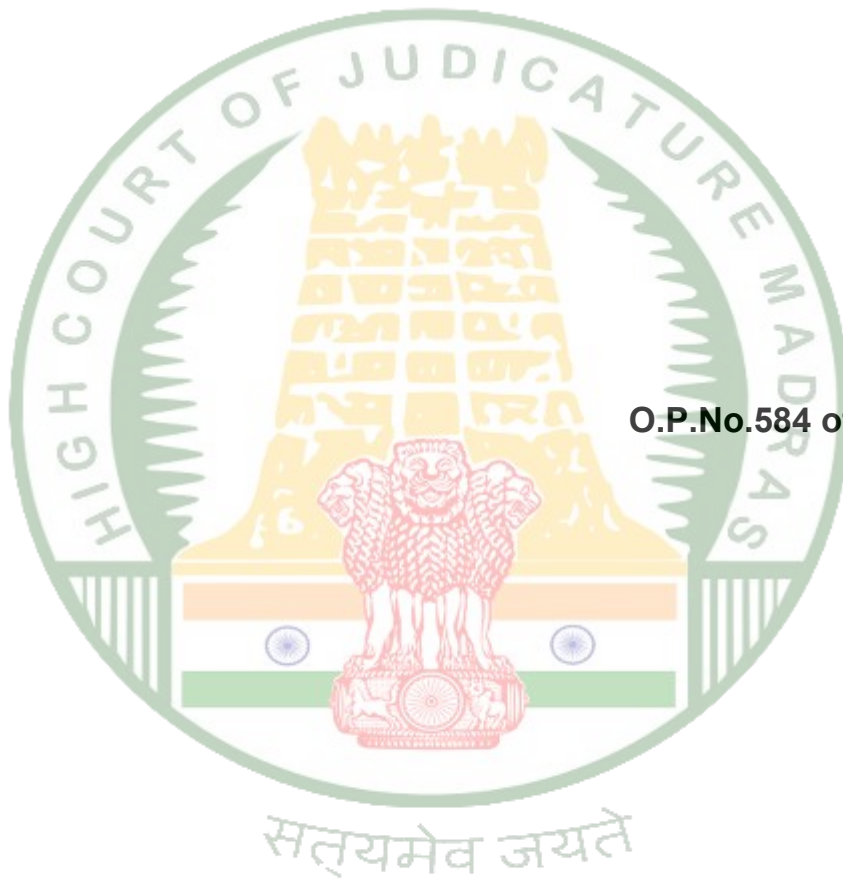
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M.M.SUNDRESH,J.



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