

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.07.2017

CORAM:

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.20835 of 2004

M/s.S.Subrahmanyan & Co.
rep. by its Partner,
Mr.S.Ramamurthy,
New No.20, Old No.27,
Sir.C.V.Raman Road,
Alwarpet, Chennai 600 018.

... Petitioner

vs.

1. The Union of India,
Ministry of Railways,
(rep. by the General Manager),
Western Railway, Church Gate,
Mumbai - 400 020.
2. The Executive Director,
Track (M), Railway Board,
Room No.146, Rail Bhavan,
New Delhi - 110 001.
3. The Chief Track Engineer,
Head Quarter's Office,
Northern Railway,
Baroda House, New Delhi.
4. The Financial Advisor,
Western Railway,
Church Gate,
Mumbai 400 020.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus, directing the respondents to refund to the petitioner a sum of Rs.50,71,535/- which had been deducted and withheld from the bills of the petitioner towards the cost of HTS wires supplied to the respondents prior to 08.11.1994 with interest thereon at 6 percent per annum by accepting the Bank Guarantee from the petitioner, in terms of the orders dated 19.10.2001, passed by this Court in Writ Petition Nos.10814 and 11805 of 1999, and affirmed in appeal by this Court in Writ Appeal Nos.2822 and 2823 of 2001, by order dated 30.04.2004.

For Petitioner : Mr.Chandran Karuppiah

For Respondents : Mr.P.T.Ramkumar

O R D E R

When the matter is taken up for hearing today, learned counsel for the petitioner submitted that a similar issue is pending before the Arbitrator and pleaded that the petitioner may be given liberty to enable him approach the Arbitrator, to which the learned counsel appearing for the respondents/Railways did not have any objection.

2. In view of the above submissions, this Writ Petition is dismissed with liberty to the petitioner to approach the Arbitrator within a period of two months from the date of receipt of a copy of this order and if any application is filed by the petitioner before the Arbitrator, the latter shall dispose of such application within a period of six months, thereafter. No costs. Consequently, connected W.P.M.P.No.25079 of 2004 is closed.

Sd/-
Asst.Registrar (J)

/true copy/

Sub Asst. Registrar

aeb

To:

1. The General Manager,
Ministry of Railways,
Union of India,
Western Railway, Church Gate,
Mumbai - 400 020.
2. The Executive Director,
Track (M), Railway Board,
Room No.146, Rail Bhavan,
New Delhi - 110 001.
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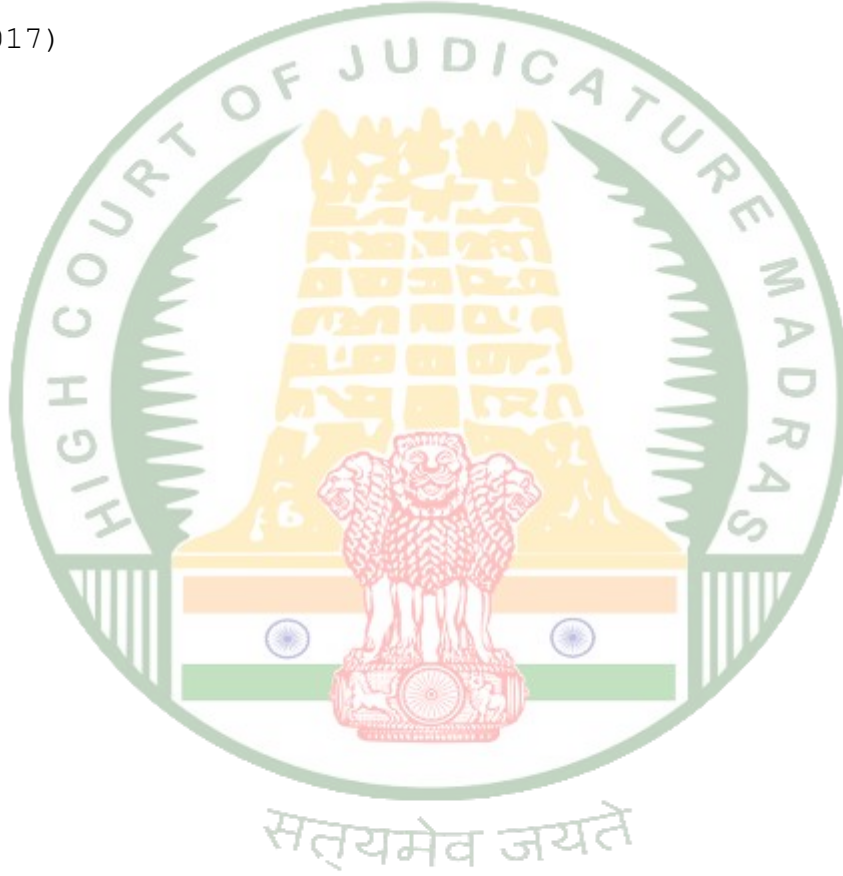
4. The Financial Advisor,
Western Railway,
Church Gate,
Mumbai 400 020.

+1cc to Mr.P.T.Ramkumar,Advocate sr.53538

+1cc to Mr.Chandran,Advocate sr.52466

W.P.No.20835 of 2004

ss (29/8/2017)



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