

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 02.02.2018

CORAM

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

O.P.No.929 of 2017

M/s.OM Sakthi Constructions,
represented by its Partner
No.11, Annai Velankanni Street,
Kamaraj Nagar,
Pondicherry 605 011.

.. Petitioner

-vs-

1. The Govt. of Puducherry,
represented by the
Chief Engineer,
Public Works Department,
Puducherry 605 001.
2. The Superintending Engineer,
Circle-II, Public Works Department,
Puducherry 605 001.
3. The Executive Engineer,
Public Health Division,
PWD, Puducherry 605 001

.. Respondent

Prayer: Petition filed under Section 11(6) of the Arbitration & Conciliation Act, 1996 to appoint a qualified person as an Arbitrator to adjudicate the disputes between the petitioner and respondents at Puducherry.

For Petitioner : Mr.D.Senthil Kumar

For Respondent : Mr.Kumaran, GA (Pondicherry)

ORDER

This application is filed seeking appointment of an Arbitrator to adjudicate upon disputes between the parties arising out of Agreement No.810/PW/PHD/SWS/13-14, dated 14.3.2013.

2. Heard Mr.D.Senthil Kumar, learned counsel appearing for the petitioner and Mr.Kumaran, learned Government Advocate appearing for the respondents.

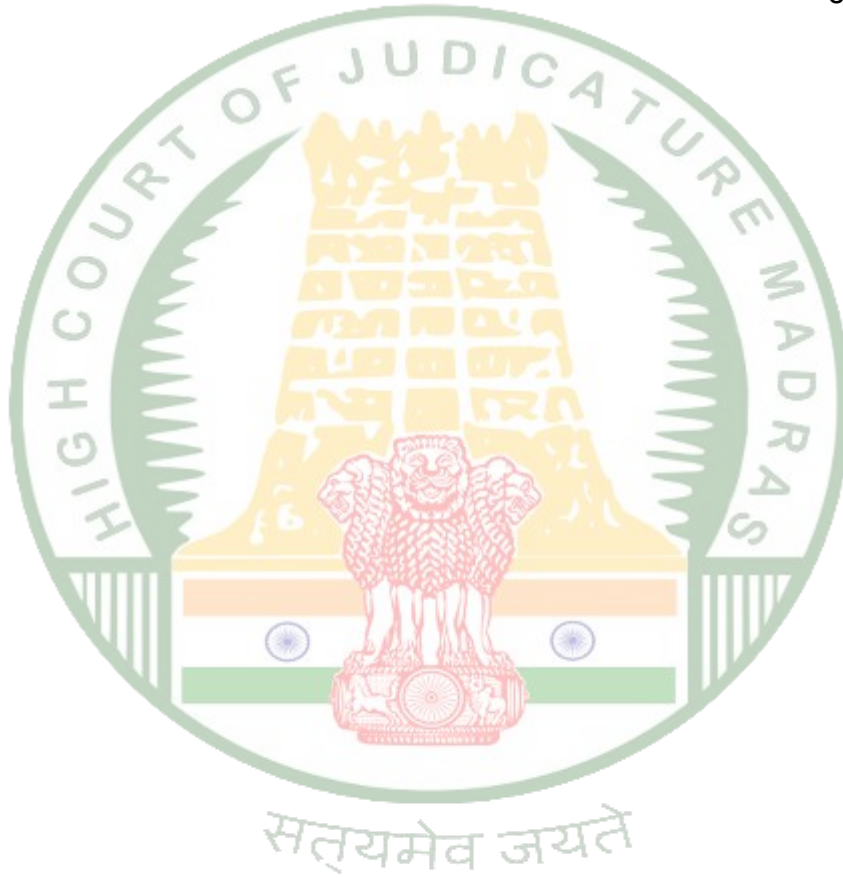
3. Mr.Kumaran, learned Government Advocate appearing for the respondents, very fairly, circulates a communication dated 4.12.2017 issued by the Executive Engineer to the effect that the work has been completed by the petitioner and as per the final bill, an amount of Rs.8,52,187/- is liable to be paid to the Contractor which has been unduly delayed on account of paucity of funds.

4. In the light of the same, Mr. Kumaran, undertakes on behalf of the respondents that the outstanding amount of Rs.8,52,187/- will be released positively to the petitioner on or before 5.3.2018. Consequently, the security deposit of an amount of Rs.4,11,000/- will be liable to be returned within a period of one week therefrom. Recording the said undertaking, this petition is closed.

5. Liberty is granted to the petitioner to approach this Court in the event of any default in the undertaking recorded. No costs.

02.02.2018

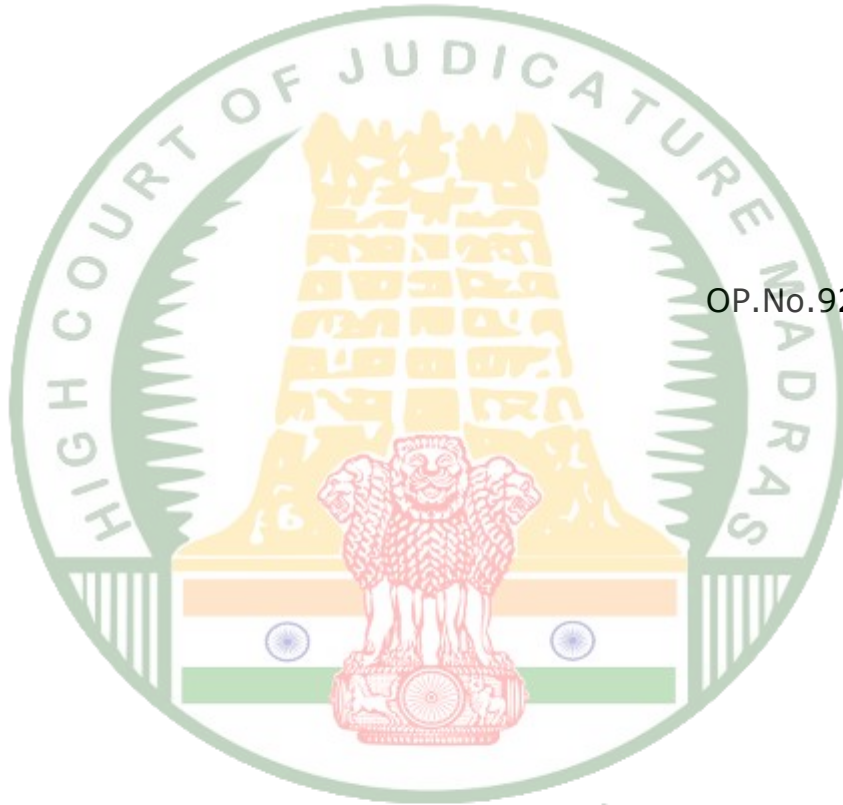
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Dr.ANITA SUMANTH,J.

Msr/sl



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