



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

TUESDAY, THE 10TH DAY OF JULY 2018

THE HON'BLE MR.JUSTICE ABDUL QUDDHOSE

O.P. No. 476 of 2010

In the matter of Arbitration
& Conciliation Act 1996
and

In the matter of Arbitral
Award dated 17.03.2010 made in
relation to disputes arising
out of agreement No. 33/B/MAS
dated 14.3.2005.

M/s. Sivaranjani Constructions
No.58, Devarajanar Street,
Vedhachalam Nagar, Chengalpet.
rep.by its Managing Partner

.. Petitioner

Vs

1. Union of India
rep.by its
Den/Bidgs./Mas
Chennai Division, Southern Railway,
Chennai 600 003.

2. N.C.Sharda,
Sole Arbitrator & Senior Professor/Track 1
IRICEN/Pune

.. Respondents

Original Petition praying that this Hon'ble Court may be pleased to set aside the award of the Arbitration dated 17.03.2010 arising out of the agreement No. 433/B/MAS dated 14.03.2005 entered into between the petitioner and the respondent.

This Original Petition coming on this day before this Court for hearing in the presence of Ms.K.Aparna Devi, Advocate for the petitioner herein and Mr.V.G.Sureshkumar, Central Government Standing Counsel, appearing for the 1st respondent herein, and upon reading the petition and the



Award dated 17.03.2010 filed herein and this court observing that the Arbitrator has rightly come to the conclusion that nothing extra is payable on account of difference in the cost of rail structure work done by the petitioner for the cycle stand work and the view taken by the Arbitrator is a plausible view and this court cannot substitute the view of the Arbitrator under Section 34 of the Arbitration and Conciliation Act, and this court cannot also re-appreciate the evidence available with the arbitrator, thereafter there is perversity or patent illegality in the impugned award, and therefore this court is of the view that there is no merit in the petition filed by the petitioner, It is ordered as follows:-

That the Original Petition No. 476 of 2011 do stand dismissed.

2. That there shall be no costs.

WITNESS THE HON'BLE MS.INDIRA BANERJEE, CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE 10th DAY OF JULY 2018.

Sd./-

ASSISTANT REGISTRAR (O.S.II)

//Certified to be true copy//

Dated at Madras this the day of 2018.

COURT OFFICER(O.S.)

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O.P. No.476 of 2011

ORDER

DATED: 10.07.2018

THE HON'BLE MR.JUSTICE
ABDUL QUDDHOSE

FOR APPROVAL: 23.08.2018

APPROVED ON : 27.08.2018