



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 19th DAY OF JULY 2018

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

O.P. No.698 of 2009

In the matter of Section 34
of the Arbitration and
Conciliation Act, 1996 and
arbitral award dated
02.06.2009

and

In the matter of disputes
arising out of the
Arbitration Agreement dated
16.11.2001 between Chennai
Petroleum Corporation Ltd.,
and URC Constructions (P)
Ltd., relating to civil and
structural works in
utilities and offsites of
expansion areas in the
petitioner's refinery III
expansion project

and

In the matter of the
Arbitration award dated
02.06.2009

Chennai Petroleum Corporation Ltd.,
536, Anna Salai, Teynampet,
Chennai-600 018
rep. by its Company Secretary,
Mr.M.Sankaranarayanan

... Petitioner

-Versus-

1. URC Constructions (P) Ltd.,
119, Power House Road,
Erode-638 001.

2. Mr.P.Sridharan,
Sole Arbitrator,
Plot No.50, UR Nagar Extension,
Anna Nagar, Chennai-600 101.

... Respondents

Original Petition praying that this Hon'ble Court be
pleased to set aside the impugned arbitral award dated
02.06.2009 insofar as it relates to the award of refund of
the sum of Rs.30,17,422/- (Rupees thirty lakhs seventeen
thousand four hundred and twenty two only) deducted from
the final bill of the first respondent (claim 1) and simple



interest at the rate of 12% per annum thereon (claim 2) by allowing this petition with costs, or, in the alternative, to remit the matter to the arbitral tribunal to consider the evidence relating to the issuance of notice to the first respondent for rectification of defects, and pursuant thereto or in the light thereof to adjudicate the dispute between the parties.

This Original Petition having been heard on 09.07.2018 in the presence of Mr.R.Senthil Kumar, advocate for the petitioner herein and Mr.P.J.Rishikesh, advocate for the 1st respondent herein and upon reading the petition and the award dated 02.06.2009 filed herein and having stood over for consideration till this date and coming on this day before this court for orders in the presence of the said advocates for the parties hereto and this Court having observed that the award dated 02.06.2009 passed by the learned Arbitrator is a detailed and well reasoned award and this Court does not find any perversity or patent illegality in the award and the view taken by the learned Arbitrator is a plausible view and this Court under Section 34 of the Arbitration and Conciliation Act, 1996 cannot substitute its view for the view taken by the learned Arbitrator when the said finding is found to be in accordance with law, it is ordered as follows:-

That the O.P. No.698 of 2009 be and is hereby dismissed.

2. That there shall be no order as to costs.

WITNESS THE HON'BLE MS.INDIRA BANERJEE, THE CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE 19th 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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05.09.2018

O.P. No.698 of 2009

ORDER:

DATED: 19.07.2018

THE HON'BLE MR.JUSTICE
ABDUL QUDDHOSE

FOR APPROVAL:08/09/2018

APPROVED ON:10/09/2018