

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.07.2018

CORAM

THE HON'BLE MS.INDIRA BANERJEE, CHIEF JUSTICE
and
THE HON'BLE MS.JUSTICE P.T.ASHA

O.S.A.No.146 of 2012
and M.P.No.1 of 2012

and
O.P.No.627 of 2013

O.S.A.No.146 of 2012:

The Divisional Railway Manager/Works,
Palghat Division, Southern Railway,
Palghat - 678 002,
Now, the Divisional Railway Manager/Works,
Salem Division, Southern Railway,
Salem - 636 005. ... Appellant

vs.

- 1.M/s.Padmavathy Constructions,
rep. By its Sole Proprietor Mr.R.K.Koteeswaran,
No.L/4, Rail Nagar,
Koyambedu,
Chennai - 107.
- 2.Smt.M.Kalavathy (Presiding Arbitrator),
Chief Signal & Telecommunication Engineer (Construction),
South Western Railway,
Cantonment,
Bangalore - 560 017.
- 3.Shri.M.Chittaranjan (Arbitrator),
Deputy Financial Advisor & Chief Accounts Officer/West,
Southern Railway, New Joint Office,
Ayanapuram,
Chennai - 600 023.
- 4.Shri.B.Kamalakar Reddy (Arbitrator),
Sr. Divisional Engineer/Co-ordination,
Madurai Division, Southern Railway,
Madurai. .. Respondents

Appeal filed under Order XXXVI, Rule 9 of Original Side Rules read with Clause 15 of Letters Patent against the order dated 24.04.2008 made in O.P.No.647 of 2005 on the file of this Court.

O.P.No.627 of 2013:

The Divisional Railway Manager/Works,
Palghat Division, Southern Railway,
Palghat - 678 002,

(Now comes under the jurisdiction of
The Divisional Railway Manager/Works,
Salem Division, Southern Railway,
Salem)

... Petitioner

vs.

- 1.M/s.Padmavathy Constructions,
rep. By its Sole Proprietor Mr.R.K.Koteeswaran,
No.8, Narayanasamy Street,
Ram Nagar, Ambattur,
Chennai-53.
 - 2.Smt.M.Kalavathy (Presiding Arbitrator),
Chief Signal & Telecommunication Engineer (Construction),
South Western Railway,
Cantonment,
Bangalore - 560 017.
 - 3.Shri.M.Chittaranjan (Arbitrator),
Deputy Financial Advisor & Chief Accounts Officer/West,
Southern Railway, New Joint Office,
Ayanapuram,
Chennai - 600 0023.
 - 4.Shri.B.Kamalakar Reddy (Arbitrator),
Sr. Divisional Engineer/Co-ordination,
Madurai Division, Southern Railway,
Madurai.
- ... Respondents

Original Petition filed to set aside the limited portion of the Award dated 8.4.2005 published on 29.4.2005 in so far as the payment of interest directed to be paid to the first respondent by the petitioner on the Award of Rs.2,63,747/- from 23.9.2002 till the date of realisation passed by the Arbitral Tribunal consisting of respondents 2 to 4.

For Appellant .. No Appearance
in OSA and
Petitioner in OP

For Respondents .. Mr.Amalaraj S.Penikilapatti
in OSA and OP for 1st respondent

Respondents 2 to 4 - Arbitrators

COMMON JUDGMENT

(Delivered by Ms.Indira Banerjee, Chief Justice)

No one appeared in support of the Appeal and the Original Petition. No prayer for an accommodation has been made. We also find that the appeal is only in respect of Rs.52,782/- directed to be paid by the learned Single Bench.

2. The records reveal that there was a clear admission that Rs.52,782/- had been withheld from the bills of the claimant first respondent.

3. The Appeal and the Original Petition are, therefore, dismissed. No costs. Consequently, M.P.No.1 of 2012 in O.S.A.No.146 of 2012 is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

सत्यमेव जयते Sub Assistant Registrar

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To

The Sub Assistant Registrar,
Original Side, High Court, Madras.

O.S.A.No.146 of 2012
and O.P.No.627 of 2013

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