

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.04.2018

CORAM

THE HONOURABLE MR. **JUSTICE M.M.SUNDRESH**

O.P.No.529 of 2010

Shri K.R.Subramanian,
Engineering Contractor,
F3, Sai Gardens, W-5, ICC Block,
Anna Nagar, Western Extension,
Chennai-600 001. .. Petitioner

Vs.

- 1.The Chief Engineer, Construction, (West),
Chennai-Egmore, Rep., by
Deputy Chief Engineer Construction,
Salem Division, Southern Railway,
Salem-636 005.
- 2.Shri M.Elevarasan, Presiding Arbitrator,
& Chief Signal and Telecommunication
Engineer, Planning, Southern Railway,
Park Town, Chennai-600 003.
- 3.Shri B.Narasimha Rao, Arbitrator,
Financial Advisor & Chief Accounts Officer,
Rail Wheel Factory, Bangalore.
- 4.Shri M,Selvaraj, Arbitrator,
Chief Engineer, MTP (Railway), Egmore,
Chennai-600 008. .. Respondents

Original Petition filed under Section 34 of the Arbitration and Conciliation Act, 1996, to set aside the award of the respondents dated 03.06.2009 as far as the claims of the petitioner was not considered and

rejected, made in relation to the disputes arising out of the Agreement No.376/CN/1998 dated 22.2.1998 between the petitioner and the second respondent.

For Petitioner : Ms.Aparna Devi

For Respondent : Dr.S.R.Sundaram

ORDER

The petitioner is the claimant before the learned Arbitrator. The petitioner raised seven claims. The learned Arbitrator has considered two of the claims and passed an Award with 14% interest. The remaining five claims were rejected by recording the statement on the premise that the petitioner himself has withdrawn the claims.

2. Inasmuch as the petitioner himself has withdrawn the claims, it is not open to him to challenge the decision based upon the same before this Court. The recording of the learned Arbitrator is factual in nature. In the absence of any contra material, this Court is not able to find fault with the decision made by the learned Arbitrator.

3. In such view of the matter, this original petition stands dismissed.

No costs.

25.04.2018

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M.M.SUNDRESH,J.

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