

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

MONDAY, THE 01ST DAY OF APRIL 2019

THE HON'BLE MR. JUSTICE R.SURESH KUMAR

O.A.No.292 of 2019

In the matter of Arbitration
and Conciliation Act,
And
In the matter of Letter of
Acceptance dated 07.03.2018.

M/s. Haven Infra Projects & Power Limited,
Represented by its Chief Executive Officer
D.R.Jaya Kothandaraman,
No.25, New 1, Thomas Nagar,
Saidapet, Chennai 600 015. : Applicant

Vs

1. Union of India
Represented by Chief Engineer
Construction/MS
Office of the Chief Administrative Officer,
Southern Railway, Egmore, Chennai 8.

2. The Deputy Chief Engineer
Office of Dy.Chief Engineer
Construction/Southern Railway
Arasaradi, Madurai 625 016. : Respondents

Original Application praying that this Hon'ble Court be pleased to pass an order of temporary injunction restraining the respondents from terminating the services of the applicant as the contractor for the work: " Gauge covnersion between Madurai and Bodinayakkanur : Proposed construction of S & t accommodation, station building, Platform, Passenger amenities etc, for stations at Usilampatti, Andipatti, Theni (crossing stations) Vadapaleni, Teni collectorate (halt) and Bodinayakkanur (Terminal)", by the letter of acceptance dated 07.03.2018.

This Original Application coming on this day before this Court for hearing and the Court made the following Order :

The prayer sought for herein is to pass an order of temporary injunction restraining the respondents from terminating the services of the applicant as the contractor for the work: "Gauge conversion between Madurai and Bodinayakkanur: Proposed construction of S&T accommodation, station building, platform, passenger amenities etc., for stations at Usilampatti, Andipatti, Theni (crossing stations), Vadapalanji, Teni Collectorate (Halt) and Bodinayakkanur (Terminal)", by the letter of acceptance dated 07.03.2018.

2. This Court at the admission stage on 20.03.2019 granted an interim order directing the parties to maintain status quo as on that day, with regard to the termination of the contract which was apprehended by the applicant.

3. However, today the learned counsel appearing for the applicant fairly submitted that, before the order was passed on 20.03.2019, the respondents have terminated the contract on 14.03.2019 and the said order of termination has been received by the applicant on 21.03.2019. Therefore on the date of passing the order on 20.03.2019, since the contract has been terminated, the prayer sought for in this application under Section 9 of the Arbitration Act, eventually become infructuous. Therefore the learned counsel appearing for the applicant submitted these factors and wants the matter to be disposed of accordingly.

4. Recording the said submission made by the learned counsel for the applicant as the prayer sought for herein since become infructuous, the Original Application is dismissed as infructuous.

Sd./- R.S.K.J.

01.04.2019

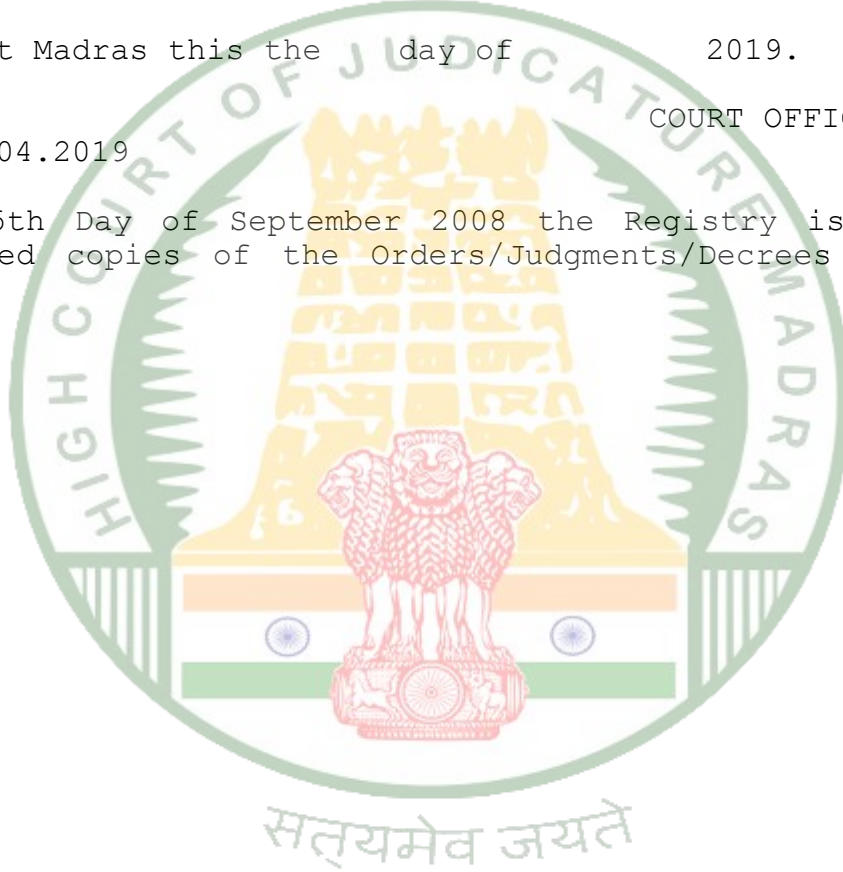
//Certified to be true copy//

Dated at Madras this the day of 2019.

GJM-08.04.2019

COURT OFFICER(O.S.)

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