

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.02.2019

CORAM

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.15716 of 2018
and
WMP.No.18680 of 2018

M/s.B.E.Billimoria & Co. Ltd.,
Rep. by its Authorised Signatory
B.Singaravelu

... Petitioner

Vs.

The Chief Engineer
Engineering Service Group
General Service Organisation
Department of Atomic Energy
Kalpakkam
Kancheepuram,
Tamil Nadu - 603 102.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records of the respondent in relation to their order vide GSO/CED/CE/Tr-324/Levy of Compensation/2017 dated 05.09.2017 and quash the same and consequently, direct the respondent to pay a sum of Rs.29,88,977/- along with 18% interest from 28.02.2015 to till the date of payment.

For Petitioner : Mr.S.Karthikei Balan

O R D E R

This writ petition is filed challenging the proceedings of the respondent dated 05.09.2017 in determining the compensation payable by the petitioner for the delayed completion of the work allotted to them.

2. Perusal of the impugned order would show that the respondent has exercised his power conferred under Clause 2 of the Agreement entered between the parties. Perusal of the terms and conditions of the Agreement would show that Clause 25 provides for settlement of disputes and Arbitration. Therefore,

when the terms of the agreement entered between the parties provides for settling the disputes by way of the procedures contemplated under Clause 25 of the agreement, which includes Arbitration, this Court is not inclined to entertain this writ petition, as it is for the petitioner to work out their remedy by way of the procedures contemplated for resolving the dispute, as provided under Clause 25 of the Agreement as stated supra.

3. Granting such liberty, this writ petition is disposed of, without expressing any view on the merits of the claim made by the petitioner. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

mk

To

The Chief Engineer
Engineering Service Group
General Service Organisation
Department of Atomic Energy
Kalpakkam, Kancheepuram, Tamil Nadu - 603 102.

SV(CO)
CSL/27.03.2019

W.P.No.15716 of 2018

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