



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

MONDAY, THE 08th DAY OF APRIL 2019

THE HON'BLE MR. JUSTICE M.SUNDAR

O.P. No.1067 of 2018

In the matter of Arbitration &
Conciliation Act

and

In the matter of an Arbitral
Award dated 22.05.2018 passed
in the disputes arising out of
the agreement No.04/ERS/CN/
2010 dated 26.10.2010.

1. The Chief Engineer/CN/South/MS
Southern Railway, Egmore,
Chennai-600 008.

2. The Deputy Chief Engineer,
Construction/III/Madurai,
Southern Railway,
Arasarady, Madurai.

... Petitioners

-Versus-

M/s.M.R.K.R.Rail One (J.V.),
ref. by authorised signatory,
B.V.V.Krishna Reddy,
No.8-2, 268/1/b/12, Arora Colony-II,
Road No.2, Banjara Hills,
Hyderabad-500 034.

... Respondent

Original Petition praying that this Hon'ble Court be
pleased to set aside the arbitral award dated 22.05.2018
passed by the learned Arbitrator in disputes arising out of
the Agreement No.04/ERS/CN/2010 dated 26.10.2010 in so far
as the award of pendentelite interest at 10% for a sum of
Rs.4,75,26,814/- from April 2017 till the date of award
dated 22.05.2018 is concerned.

This Original Petition coming on this day before this

<https://hcservices.ecourts.gov.in/hcservices/> hearing in the presence of Mr.P.T.Ramkumar,
Advocate for the petitioners herein and Mr.V.Sivakumar,



advocate for the respondent herein and upon reading the petition and the award dated 22.05.2018 filed herein, it is ordered as follows:-

That the impugned award dated 22.05.2018 with regard to 10% pendente-lite interest alone be and is hereby set aside with regard to sums i.e., Rs.4,75,26,814/- (Rupees four crores seventy five lakhs twenty six thousand eight hundred and fourteen only) payable by Southern Railways (already paid and not in dispute before this Court) and Rs.7,47,888/- (Rupees seven lakhs forty seven thousand eight hundred and eighty eight only) payable by the contractor to Southern Railways which has been deducted by Southern Railways while making the aforesaid payment.

2. That the pendente-lite interest component which has been added to Rs.7,47,888/- (Rupees seven lakhs forty seven thousand eight hundred and eighty eight only) payable by the contractor while deducting the same from monies payable by the Southern Railways (already paid) shall be refunded to the contractor (sole respondent in instant OP) within eight weeks from the date of receipt of a copy of this order i.e. on or before 03.06.2019.

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

4. That the parties hereto shall bear their respective costs.

WITNESS THE HON'BLE SHRIMATI.VIJAYA KAMLESH TAHILRAMANI, THE CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE 08th DAY OF APRIL 2019.

Sd./-

ASSISTANT REGISTRAR (O.S.II)

//Certified to be true copy//

Dated at Madras this the day of 2019.

COURT OFFICER(O.S.)

From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this



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KLY-15/04/2019

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ORDER

DATED : 08.04.2019

THE HON'BLE MR.JUSTICE
M.SUNDAR

FOR APPROVAL:15/04/2019

APPROVED ON: 15/04/2019