

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 01ST DAY OF OCTOBER 2020

THE HON'BLE MR. JUSTICE N.SATHISH KUMAR

O.A.Nos.65, 66, 67 of 2014

and

O.A.Nos.105, 106, 107 of 2014

and

A.Nos.873, 874, 876, 877, 879, 880 of 2014

and

A.Nos.2899, 2900, 2903 of 2014

O.A.Nos.65 and 66 of 2014:

In the matter of Arbitration and
Conciliation Act 1996

and

In the matter of dispute between
M/s.Consolidated Construction
Consortium Limited & Chennai
Metro Rail Limited and In the
matter of the Agreement Dated
15.07.2010 and Tender document
August 2010.

M/s. Consolidated Construction Consortium Limited,
Rep.by its authorised Signatory,
Mr.G.Sanakaranarayanan, Head-Legal,
No.5, 2nd Link Street,
C.I.T.Colony, Mylapore,
Chennai - 600 004.

... Applicant
in both applications

-Versus-

1. Chennai Metro Rail Limited,
Rep.by its Managing Director,
CMRL, Harini Towers,
No:7, Conronsmitth Road,
Gopalapuram, Chennai - 600 086.

2. M/s.State Bank of India,
Leather and International Branch,
MVJ Towers, 177/1, P.H.Road,
Kilpauk, Chennai-600 010.

3. M/s.IDBI Bank Limited,
Having its branch at 7,
South Boag Road, T.Nagar,
Chennai-600 017.

... Respondents
in both applications

O.A.Nos.65 and 66 of 2014:

Original Application praying that this Hon'ble Court be pleased to grant ad interim injunction restraining the 1st Respondent their men, servant, agent and people working under them from in any way recovering any monies from the applicant including invocation and encashing the Bank Guarantees detailed in Schedule to the Judge's summons.

WEB COPY

O.A.No.67 of 2014:

In the matter of Arbitration and
Conciliation Act 1996
and

In the matter of dispute between
M/s.Consolidated Construction
Consortium Limited & Chennai
Metro Rail Limited and In the
matter of the Agreement Dated

17.02.2011 and tender document
August 2010.

M/s. Consolidated Construction Consortium Limited,
Rep.by its authorised Signatory,
Mr.G.Sanakaranarayanan, Head-Legal,
No.5, 2nd Link Street,
C.I.T.Colony, Mylapore,
Chennai - 600 004. ... Applicant

-Versus-

1. Chennai Metro Rail Limited,
Rep.by its Managing Director,
CMRL, Harini Towers,
No:7, Conronsmith Road,
Gopalapuram, Chennai - 600 086.

2. M/s.State Bank of India,
Leather and International Branch,
MVJ Towers, 177/1, P.H.Road,
Kilpauk, Chennai-600 010. ... Respondents

O.A.No.67 of 2014:

Original Application praying that this Hon'ble Court be pleased to grant ad- interim injunction in restraining the 1st Respondent their men, servant, agent and people working under them from in any way recovering any monies from the applicant including invocation and encashing the Bank Guarantees detailed in Schedule to the Judge's Summons.

O.A.Nos.105 and 106 and 107 of 2014:

In the matter of Arbitration and Conciliation Act 1996

and

In the matter of dispute between M/s.Consolidated Construction Consortium Limited & Chennai Metro Rail Limited and In the matter of the Agreement Dated 15.07.2010.

M/s. Consolidated Construction Consortium Limited,
Rep.by its authorised Signatory,
Mr.G.Sanakar Naarayanan, Head-Legal,
No.5, 2nd Link Street,
C.I.T.Colony, Mylapore,
Chennai - 600 004.

... Applicant

-Versus-

1. Chennai Metro Rail Limited,
Rep.by its Managing Director,
CMRL, Harini Towers,
No:7, Conronsmith Road,
Gopalapuram, Chennai - 600 086.

..Respondent

WEB COPY

O.A.Nos.105 and 106 and 107 of 2014:

Original Application praying that this Hon'ble Court be pleased to grant ad-interim injunction in restraining the Respondent their men, servant, agent and people working under them from in any way appointing any third

work without completing, concluding and confirming the measurements of job executed by the Applicant till the date of termination.

A.Nos.873, 874,876, 877, 879, 880 of 2014:

In the matter of Arbitration and Conciliation Act 1996 and

In the matter of dispute between M/s.Consolidated Construction Consortium Limited & Chennai Metro Rail Limited and In the matter of the Agreement Dated 15.07.2010.

M/s. Consolidated Construction Consortium Limited,
Rep.by its authorised Signatory,
Mr.G.Sanakar Naarayanan, Head-Legal,
No.5, 2nd Link Street,
C.I.T.Colony, Mylapore,
Chennai - 600 004. ... Applicant

-Versus-

1. Chennai Metro Rail Limited,
Rep.by its Managing Director,
CMRL, Harini Towers,
No:7, Conronsmith Road,
Gopalapuram, Chennai - 600 086. ..Respondent

A.No.873 of 2014:

Application praying that this Hon'ble Court be pleased to permit the

applicants to remove all their materials from site within stipulated time as prescribed by this Hon'ble Court.

A.No.874 of 2014:

Application praying that this Hon'ble Court be pleased to direct the respondent to immediately make advance payment of the 80% out of claim amount Rs.66,10,87,969/- amounts Rs.52,88,70,375/- as contemplated under clause 13.7 of the conditions of the contract.

A.No.876 of 2014:

Application praying that this Hon'ble Court be pleased to permit the applicants to remove all their materials from site within stipulated time as prescribed by this Hon'ble Court.

A.No.877 of 2014:

Application praying that this Hon'ble Court be pleased to direct the Respondent to immediately make advance payment of the 80% out of claim amount Rs.37,40,00,683/- amounts Rs.29,92,00,546/- as contemplated under clause 13.7 of the conditions of the contract.

A.No.879 of 2014:

Application praying that this Hon'ble Court be pleased to permit the applicants to remove all their materials from site within stipulated time as prescribed by this Hon'ble Court.

A.No.880 of 2014:

Application praying that this Hon'ble Court be pleased to direct the Respondent to immediately make advance payment of the 80% out of claim amount Rs.25,08,88,580/- amounts Rs.20,07,10,864/- as contemplated under clause 13.7 of the conditions of the contract.

A.Nos.2899 and 2900 of 2014:

In the matter of Arbitration and Conciliation Act 1996 and

In the matter of dispute between M/s.Consolidated Construction Consortium Limited & Chennai Metro Rail Limited and In the matter of the Agreement Dated 15.07.2010.

M/s. Consolidated Construction Consortium Limited,
Rep.by its authorised Signatory,
Mr.G.Sanakaranarayanan, Head-Legal,
No.5, 2nd Link Street,
C.I.T.Colony, Mylapore,
Chennai - 600 004.

... Applicant

-Versus-

1. Chennai Metro Rail Limited,
Rep.by its Managing Director,
CMRL, Harini Towers,
No.7, Conrsmith Road,
Gopalapuram,
Chennai - 600 086.

... Respondent

A.No.2899 of 2014:

Application praying that this Hon'ble Court be pleased to direct the Respondent to pay the excess recovery of bank guarantee i.e Rs.6,34,13,514/- within a stipulated time prescribed by this Hon'ble Court.

A.No.2900 of 2014:

Application praying that this Hon'ble Court be pleased to direct the Respondent to pay the excess recovery of bank guarantee i.e Rs.10,32,00,574/- within a stipulated time prescribed by this Hon'ble Court.

A.No.2903 of 2014:

1. Chennai Metro Rail Limited,
Rep.by its Managing Director,
CMRL, Harini Towers,
No:7, Conronsmith Road,
Gopalapuram,
Chennai - 600 086.

...Applicant/Respondent/Respondent

-Vs-

M/s. Consolidated Construction Consortium Limited,
Rep.by its authorised Signatory,
Mr.G.Sanakaranarayanan, Head-Legal,
No.5, 2nd Link Street,
C.I.T.Colony, Mylapore,
Chennai - 600 004.

...Respondent/Applicant/Applicant

A.No.2903 of 2014:

Application praying that this Hon'ble Court be pleased to set aside the order dated 07/04/2014 in A No.875 of 2014 in OA No.106 of 2014 on the file of this Hon'ble High Court.

These Original Applications and Applications coming on this day before this court for hearing the court made the following order:

Today, when the matter is taken up for hearing, the learned counsel appearing for the applicant, through video conferencing, seeks permission of this court to withdraw all the original applications.

2. Recording the submission made by the learned counsel appearing for the applicant, all the original applications are dismissed as withdrawn. Consequently, connected applications are closed. No costs.

Sd/.N.S.K.J.

01.10.2020

//Certified to be a true copy//

Dated this the th day of 2020.

su.11.11.2020

COURT OFFICER(O.S.)

From 25.09.2008 the Registry is issuing certified copies of the Order/Judgment Decree in this format.