

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2020

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
and
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

O.S.A.No.136 of 2014
and
M.P.Nos.1 & 2 of 2014

- 1.Commissioner of Police,
Chennai Police,
Egmore, Chennai - 600 008.
- 2.Additional Commissioner of Police,
(Traffic) Chennai,
Kilpauk, Chennai - 600 008. : Appellants/Respondents
- Vs

M/s.Purple Infotech Limited,
1046, H-Block, 27th Street,
6th Avenue, Anna Nagar,
Chennai - 600 040
Rep by its Company Secretary / Authorised Signatory
: Respondent/Appellant

PRAYER: Original Side Appeal filed under Order XXXVI, Rule I of O.S.Rules, read with Clause 15 of Letters Patent against the order dated 29.04.2014 passed in Application No.5033 of 2013 on the file of this Court.

A.No.5033 of 2013: Application praying that this Hon'ble Court be pleased to grant an order of member stay of the Termination notice in Proceedings No.Tr.IMP(1)12937/2012 dated 15.03.2013 issued by the 2nd Respondent pending disposed of the arbitral proceedings between the Appellant and the 1st and 2nd Respondents

For Appellants : Mr.Sri Charan Rangarajan,
Special Government Pleader (CS),
Asst. by Mr.A.N.Thambidurai,
Special Government Pleader.

For Respondent : Mr.S.R.Ragunathan.

J U D G M E N T

(Judgment of the Court was delivered by N.KIRUBAKARAN, J)

This Original Side Appeal has been filed against the order dated 29.04.2014 passed in Application No.5033 of 2013.

2.The respondent was entrusted, by virtue of a contract, to execute Integrated Traffic Management System (ITMS) for a value of 117 Crores on 12.07.2012. The respondent is said to have invested their own money and started executing the work. In the middle of the work, the contract was terminated by letter dated 15.03.2013 and therefore they had filed two applications under Section 9(ii)(d)(e) seeking order of stay of invocation of bank guarantee and stay of termination notice. By virtue of order dated 29.04.2014, the learned Single Judge granted interim orders in both the applications, against which, two Original Side Appeals have been filed viz., O.S.A.Nos.135 & 136 of 2014. The appeal filed against invocation of Bank Guarantee i.e. O.S.A.No.135 of 2014, was withdrawn by the appellants. The present appeal which is pending for consideration is O.S.A.No.136 of 2014, which is against the order of the learned Single Judge granting stay of termination notice.

3.Heard Mr.Sricharan Rangarajan, learned Special Government Pleader (C.S.) appearing for the appellants and Mr.S.R.Ragunathan, learned Counsel for the respondents.

4.When the matter is called today, Mr.Sricharan Rangarajan, learned Special Government Pleader (C.S.) appearing for the appellants would submit that the learned Single Judge's order has been stayed by the Division Bench. However, earlier Division Bench had prohibited the appellants from creating any third party interest by floating fresh tender. In the meanwhile, arbitration proceedings have been initiated and it had reached almost final stage. The respondent is said to have completed his arguments and the matter is posted on 08.02.2020 for arguments of the appellants. The learned Special Government Pleader (C.S.) would submit that because of non-execution of work, public as well as Government are suffering. Therefore, order prohibiting the Government from floating any fresh tender for execution of work should be vacated.

5.Since the arbitration initiated by the respondent has almost reached final stage and matter is posted for arguments of Special Government Pleader on 08.02.2020, the appellants herein who are the respondents before the Arbitration Tribunal shall advance their arguments and complete on 12.02.2020 or 13.02.2020 or on the upcoming three days, if it is required and the tribunal is requested to pass appropriate award at the earliest.

6.It is made clear that the earlier order prohibiting the appellants from floating any fresh tender for execution of work shall stand extended.

7.In the result, the appeal is disposed of in the above terms. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

// True Copy//

Sub Assistant Registrar

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To

1.Commissioner of Police,
Chennai Police,
Egmore, Chennai - 600 008.

2.Additional Commissioner of Police,
(Traffic) Chennai,
Kilpauk, Chennai - 600 008.

+1cc to Mr.S.R.Raghunathan, Advocate, SR.No.2667.

O.S.A.No.136 of 2014
and
M.P.Nos.1 & 2 of 2014

KJ(CO)
CSR: 02.03.2020

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