

A.No.8401 of 2019**N.SATHISH KUMAR, J.**

This application has been filed to release the final bill. The applicant has entered into a contract of Gauge conversion between Madurai and Bodinayakkanur : proposed construction of S&T accommodation, station building, platform, passenger amenities etc. for stations at Usilampatti, Andipatti, Teni (crossing stations), Vadapalanji, Theni collectorate (Halt) and Bodinayakkanur (Terminal) and the work value was Rs.10,17,62,471/- and the letter of acceptance was issued on 07.03.2018 by the office of the second respondent.

2. It is the contention of the learned counsel appearing for the applicant that though he was awarded the contract for six stations, he was given work for only in respect of two stations viz., usilampatti and vadapalanji and almost 95% of the work was completed in respect of the above two stations. when the work was in progress, the third respondent have terminated the contract on 14.03.2019. Hence, he raised a dispute. He also contended that as far as the work is done, the final bill is made ready by

the respondents as early as in July 2019. However, the same has not been released. Therefore, he prayed this Court for the direction to release the final bill.

3. Mr.P.T.Ramkumar, learned standing counsel appearing for Southern Railways, contended that the matter is already referred to the Arbitration and the terms of reference also issued on 29.11.2019 in the first claim in respect of the bills and deposits. His contention is that the entire bill cannot be paid now and the atmost amount can be paid as per the conditions of the agreement after deduction, if any. If such amount is paid after deduction, the applicant cannot make any claim with regard to the amount released before the Arbitrator. In such event, after deduction if any, they prefer to release the final bill as per the agreement conditions.

4. Recording the submissions of the learned standing counsel appearing for Southern Railways, there shall be a direction to the respondents to release the final bill after deduction, if any, as per the agreement conditions, within a period of six weeks from the date of receipt of a copy of this order, to the applicant herein. Further it is to be noted that

the applicant shall not agitate before the Arbitrator in respect of the amount released pursuant to this order with respect of the deduction, if any and any other issues alone to be agitated before the Arbitrator.

5. With the above directions, the application is disposed of.

18.03.2020

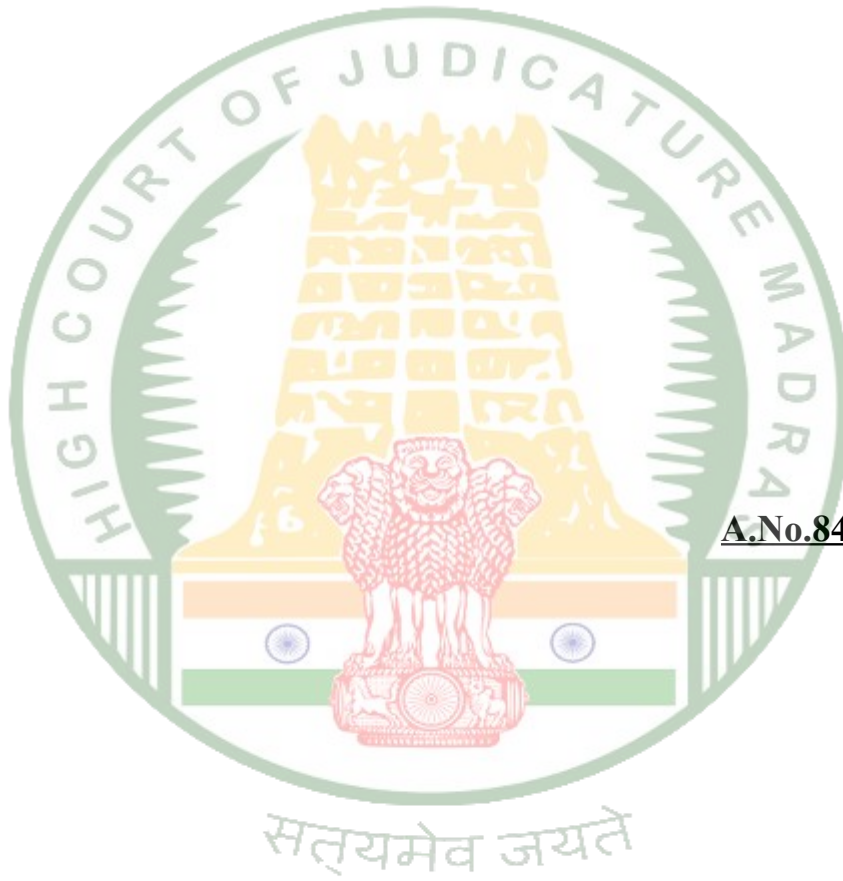
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