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IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 19TH DAY OF AUGUST 2021

THE HON'BLE MR. JUSTICE N.SATHISH KUMAR

O.P.No.145 of 2001
and
Appln.No.113 of 2021

O.P.No.145 of 2001

In the matter of Indian Arbitration Act, of 1940
and
In the matter of dispute between Bhakthi Constructions, 43-A, Gandhi Road IV, Satuarpet, Arakonam – 631001 and Chief Engineer, Madras Zone, Island Grounds. Madras – 600 009 and the Award dated 01.10.1999

MK Chitkara, CE
Sole Arbitrator,
C/o. CWE Kirkee,
Range Hills Road,
Kirkeee, Pune – 411 003. ... Petitioner

-Vs-

***1.** Union Bank of India
Rep by The Chief Engineer,
Army Head Quarters,
Chennai – 600 009.

2. M/s Bhakthi Constructions,
43-A, Gandhi Road IV,
Satuarpet, Arakonam – 631 001.

... Respondents

* Rep by its Managing Partner A.V.Ananda Babu
(amended as per order dated 25.01.2021 in
A.No.113/2021)

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O.P.No.145 of 2001:-

Orginal Petition praying that this Hon'ble Court be pleased to

(a) permit the petitioner to file the original award dated 01.10.99 along with all exhibits, documents, etc., forming part of the Arbitration proceedings.

b) Direct the Respondents to pay the cost of the proceedings.

Appln.No.113 of 2021

M/s. Bakthi Constructions
No.43/A, Gandhi Road IV,
Stuarpet, Arakkonam – 631 001.

... Applicant / 2nd Responent

-Vs-

1. MK Chitkara, CE,
   Sole Arbitrator,
   C/o. CWE Kirkee,
   Range Hills Road,
   Kirkee, Pune – 411 003.

... 1st Respondent/Petitioner

*2. United of India Rep by
   The Chief Engineer,
   Chennai Zone, Island Grounds,
   Chennai – 600 009.

... 2nd Respondent/1st Respondent

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Application praying that this Hon'ble Court be pleased to permit the applicant/2nd respondent to substitute "A.V.Ananda Babu, Partner, M/s Bakthi Constructions" as the representative of the 2nd Respondent M/s. Bakthi Constructions in OP 145 of 2001 in the place of the late Mr.S.Velayutham.

This Original Petition along with the application coming on this day before this court for hearing through video conferencing in the presence of Mr.T.L.Thirumalaisamy Central Govt. Standing Counsel appearing for the petitioner in O.P.No.145 of 2001 and for the 1st Respondent in A.No.113 of 2021 and Mr.K.Subbu Ranga Bharathi, Central Govt.Counsel for the 1st Respondent in O.P.No.145 of 2001 and for the 2nd Respondent in A.No.113 of 2021 and Mr.P.Krishnan, advocate for the 2nd Respondent in O.P.No.145 of 2001 and for the applicant in A.No.113 of 2021 and upon reading the petition and the award dated 01/10/1999 filed in O.P.No.145 of 2001 and the judges summons and the affidavit of A.V.Ananda Babu filed in A.No.113 of 2021 and the learned counsel for petitioner having submitted that the respondents have to bear the cost of arbitration proceedings and **it is ordered as follows:-**

That the respondents herein be and are hereby directed to pay cost of arbitration proceedings to the petitioner herein.

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2. That the A.No.113/2021 do stand closed.

3. That there shall be no costs of this original petition.

WITNESS THE HON'BLE MR.JUSTICE SANJIB BANERJEE CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE 19TH DAY OF AUGUST 2021.

Sd/-
ASSISTANT REGISTRAR (Comm.Cases)

//Certified to be true copy//
Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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ED
01.11.2021

O.P.No.145 of 2001
and
Appln.No.113 of 2021

ORDER:

DATED: 19.08.2021

THE HON'BLE MR.JUSTICE
N. SATHISH KUMAR

FOR APPROVAL: 01.11.2021

APPROVED ON: 02.11.2021

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.08.2021

C O R A M

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

O.P. No. 145 of 2001
and
Appln. No. 113 of 2021

MK Chitkara, CE
Sole Arbitrator,
C/o. CWE Kirkee,
Range Hills Road,
Kirkeee, Pune-411 003. ... Petitioner

Vs

1. Union of India,
   represented by the Chief Engineer,
   Army Head Quartners,
   Chennai Zone, Island Grounds,
   Chennai-600 009.

2. M/s.Bhakthi Constructions,
   43-A, Gandhi Road IV,
   Satuarpet, Arakoam – 631 001.
   rep. by its Managing Partner
   A.V.Ananda Babu ... Respondents

PRAYER : Original Petition filed under Section 14(2) of the Arbitration At (Act 10 of 194) for permission to file original award, praying to permit the petitioner to file the original award dated 01.10.99 along with all exhibits, documents, etc., forming part of the Arbitration proceedings.

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For Petitioner : Mr.T.L.Thirumalaisamy
Central Govt. Standing Counsel
For Respondents : Mr.K.Subbu Ranga Bharathi,
Central Govt. Counsel for R1
Mr. P.Krishnan for R2

O R D E R

(This case has been heard through video conference)

This Original Petition has been filed seeking to file the original award dated 01.10.1999 along with all exhibits, documents etc. forming part of the Arbitration Proceedings.

2. This original petition has been filed only to seek permission to file the original award, which has been passed in favour of 1st respondent. The learned counsel appearing for respondent has no objection for the same. However, the learned counsel appearing for petitioner submitted that the respondents have to bear the cost of arbitration proceedings. In such view of the matter, the respondents are directed to pay cost of arbitration proceedings to the petitioner. Accordingly, this Original Petition is disposed of. No costs. Consequently, the connected application is closed.

Sd./-N.S.K.J.
19.08.2021

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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