



WEB COPY

Cont.P.Nos.2125 & 2126 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2021

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

AND

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Contempt Petition Nos.2125 and 2126 of 2016

M/s.Chandragiri Construction Company,
No.3/402 A, Karat Road, West Nadakavu,
Kozhikode – 673 001. Kerala.

Rep. By its Partner – K.M.Mohideen Kunhi .. Petitioner in both petitions

Versus

1.Mr.S.K.Prabakar, I.A.S.,
Principal Secretary to Government,
Public Works Department,
Chennai – 9.

2.Mr.V.Shanmugam,
Chief Engineer,
Public Works Department,
Chennai Region, Water Resources Dept.,
Chepauk, Chennai – 5.

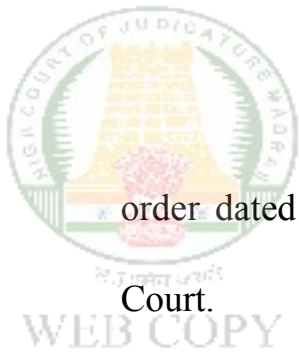
3.K.R.Ramakrishnan,
Superintending Engineer,
Public Works Department,
Water Resources Department,
Project Circle, Vellore – 632 006.

.. Respondents in both petitions

Common Prayer: These contempt petitions have been filed under Section 11 of the

Contempt of Courts Act, 1971, to punish the respondents for willfully disobeying the

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order dated 29.04.2015 passed in W.A.Nos.526 and 524 of 2011 respectively, by this Court.

For Petitioners	: Mr.Vijaya Narayan, SC for Mr.K.Premkumar
For Respondents	: Mr.S.Silambanan, AAG Assisted by Mr.V.Manoharan, GA

COMMON ORDER

M/s.Chandragiri Construction company, Kerala, was awarded contract work named as “Formation of Reservoir Across Malattar River” near Bathalapalli Village, Gudiyatham Taluk, Vellore District, through an Agreement dated 26.10.2005, with a specific condition that the intended completion period for the works should be 18 months i.e. from 30.12.2005 to 30.06.2007. The parties have been contesting the dispute since 2005 and even now, neither the work has been completed nor the dispute arisen between the parties has come to an end.

2. In such circumstances, in order to give quietus to the dispute, this Court suggested the parties to agitate the entire issue before the Sole Arbitrator to be appointed by this Court as nominated by them. After several rounds of litigations, both the parties have failed a Joint Memo dated 27.10.2021, mutually agreeing for an appointment of Sole Arbitrator to resolve the disputes arising out of the Contract Agreement dated 26.10.2005.



3. Therefore, placing on record the above said Joint Memo dated 27.10.2021 signed by both parties, we hereby appoint the Hon'ble Mr. Justice P. Shanmugam, former Judge of the Madras High Court, to be the Sole Arbitrator to decide the disputes arising out of the Contract Agreement dated 26.10.2005 within a period of one year from the date of entering reference. It is open to the learned Arbitrator to fix his fees as per the Rule.

In fine, the contempt petitions stand closed.

SD/-

ASSISTANT REGISTRAR(COMM.CASES)

rkm

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

from 25th day of September 2008 the Registry is issuing Certified copies of the Orders/Judgments/Decrees in this format.

GS/16/11/2021

To

1. The Principal Secretary to Government,
Public Works Department,
Chennai – 9.
2. The Chief Engineer,
Public Works Department,
Chennai Region, Water Resources Dept.,
Chepauk, Chennai – 5.
3. The Superintending Engineer,
Public Works Department,
Water Resources Department,
Project Circle, Vellore – 632 006.



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Copy to:

The Hon'ble Mr.Justice P.Shanmugam,
Former Judge of the Madras High Court(with covering letter),
New No.204, T.T.K.Road,
Teynampet, Chennai 600 018