

IN THE HIGH COURT OF JUDICATURE AT MADRAS

MONDAY THE TWELFTH DAY OF JULY

TWO THOUSAND AND TWENTY ONE

PRESENT:

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

O.S.A.No.153 of 2021

1.The Chief Engineer Highway
Metro/Employer,
No.1, New Street,
Super Bazar Building,
Alandur, Chennai 600 016

2.The Division Engineer,
Highways TNUDP III,
C.M.D.P. Division IV
Chennai 600 016

...Appellants/Respondents 1&2

Vs

1.M/s.Roman Tarmat Ltd.
rep. By its General manager,
Mr.N.V.Natarajan

2.The Executive Director
T.N.Road Infrastructure Development Corporation
4th Floor, LLA Building, 735, Anna Salai,
Chennai 600 002

...Respondents/Petitioner and Garnishee

Prayer: Original Side Appeal filed under order XXXVI Rule 1 of Madras High Court Original Side Rules and Section 37 of the Arbitration and Conciliation Act 1996 read with Clause 15 of the Letters Patent to set aside the order dated 24.11.2020 made in exercise of the Ordinary Original Civil Jurisdiction of the High Court in O.P.No.413 of 2020 filed under Section 34(2)(b)(iv) and (v)(b)(ii) of the Arbitration and Conciliation Act, 1996 as amended to allow the O.P by setting aside the award dated 28.12.2019 passed by the Arbitral Tribunal in so far it relates to awarding of (i) Rs.2,52,77,199/- towards balance of work, as spelt out in paragraph 27(c) at page 60 of the Award dated 28.12.2019 and (ii) Seigniorage fee of Rs.70,31,340/- to be paid by the petitioner to the respondent as spelt out in paragraph 27(d) at page 60 of the Award dated 28.12.2009 and by granting all the reliefs sought for by the petitioner in its claim statement filed before the Arbitral Tribunal.

Decree: This Original Side Appeal coming on for hearing on this day upon perusing the Memorandum of grounds of Appeal, the material papers in this case and the judgment and decree of the court below and upon hearing the arguments of Mr.R.Shanmugasundaram, Advocate General, Assisted by Mr.V.T.Aravind Gosh, Additional Government Pleader (CS), for the Appellants and of Mr.M.S.Krishnan, Senior Counsel, for Mr.B.Harikrishnan, Advocate, for the first Respondent, this court while dismissing the Appeal, observed that the arbitral award of December 28, 2019 as upheld and modified by the judgment and order impugned dated November 24, 2020 is left untouched, though on some additional grounds not found either in the award or the impugned judgment, doth order and decree as follows:

1.that the judgment and decree of the Original Side of this Court dated 24.11.2020 made in exercise of the Ordinary Original Civil Jurisdiction in O.P.No.413 of 2020 be and hereby is confirmed;

2.that there be no order as to costs in this Original Side Appeal.

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

tar
To
The Sub Assistant Registrar
(Original Side), Madras High Court.

+1cc to Government Pleader, (CS) High Court, Madras,
SR.No.32804, 32799
+1ccs to M/s.B.Harikrishnan, Advocate, SR.No.32870, 32869

Dated: 12.07.2021
Decree:
O.S.A.No.153 of 2021

Dismissing the Original Side Appeal filed against the order of this Court dated 24.11.2020 made in O.P.No.413 of 2020 etc as stated within.

SMI (CO)
RGA(05/07/2022)