



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 27TH DAY OF JANUARY 2022

THE HON'BLE MR. JUSTICE SENTHILKUMAR RAMAMOORTHY

Arb.A.No.15 of 2022

In the matter of Arbitration And
Conciliation Act of 1996,

And

In the Matter of Arbitration
Agreement No:

12/DY.CE/GC-1/TPJ-AGX/H.Q

DATED 24.12.2018 Between
Sri.S.Selvaraj & The Chief
Administrative Officer/ CN. & 3 Ors.

Sri.S.Selvaraj,
No. 186, Main Road,
Gujiliamparai, Vedasandur (TK),
Dindigul – 624 703.

... Applicant

-Vs-

1. The Chief Administrative Officer/CN,
Construction / Southern Railway,
No.183, E.V.R. Periyar High Road,
Egmore, Chennai – 600 008.

2. Chief Engineer,
Construction/South/Chennai,
No.183, E.V.R. Periyar High Road,
Egmore, Chennai – 600 008.

3. Deputy Chief Engineer,
Gauge Conversion – II,
Southern Railway, State Bank Road,
Tiruchchirappalli – 620 001.



4. General Manager,
Southern Railway, Headquarters Office,
Park Town, Chennai – 600 003.

... Respondents

Arbitration Application praying that this Hon'ble Court be pleased to grant an order of stay of operation of the Order of Termination issued by 1st Respondent vide Notice dated 24/12/2021 in Ref. No.W148/MT/97/CN and the consequential Tender No.31-CECNMS-2021-E-22834 dated 24/12/2021 for the so-called balance quantity, till the conclusion of the arbitration proceedings.

This Arbitration Application coming on this day before this court for hearing in the presence of Mr.P.Shiva, Advocate for the Applicant herein, and Mr. P.T.Ramkumar, Standing Counsel (Railways), Advocate for the respondent herein and upon reading the order herein dated 12.01.2022 , **the Court made the following order:-**

By this application, the applicant seeks a stay of operation of an order of termination of contract and also seeks to prevent the award of the balance work contract to a third party contractor.



2. By order dated 12.01.2022, I considered the contentions of both parties and recorded expressly that I am not inclined to grant the interim relief that the applicant prayed for. However, the respondents were directed to conclude the process of taking final measurements in the presence of the applicant. At the hearing today, learned counsel for the respondents states that such measurements were recorded in the presence of the applicant about three days back. Learned counsel for the applicant submits that the measurements were not recorded correctly. The question whether the measurements were recorded properly may be agitated by the contesting parties before the arbitral tribunal. Arb. Appln. No.15 of 2022 is disposed of by leaving it open to the contesting parties to raise all contentions/issues before the arbitral tribunal.

WITNESS THE HON'BLE MR. JUSTICE MUNISHWAR NATH BHANDARI, ACTING CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE 27th DAY OF JANUARY 2022.

Sd/-

ASSISTANT REGISTRAR (Comm.Cases)

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

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25.02.2022

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Arb.A.No.15 of 2022

ORDER

DATED : 27.01.2022

THE HON'BLE MR. JUSTICE

SENTHILKUMAR RAMAMOORTHY

FOR APPROVAL: 25.02.2022

APPROVED ON : 28.02.2022



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IN THE HIGH COURT OF JUDICATURE AT MADRAS

D A T E D : 27.01.2022

C O R A M :

The Hon'ble Mr. Justice **SENTHILKUMAR RAMAMOORTHY**

Arb.A.No.15 of 2022

S.Selvaraj

.. Applicant

Vs

1. The Chief Administrative Officer/CN
Construction/Southern Railway,
No.183, E.V.R.Periyar High Road,
Egmore, Chennai-600 008.

2. Chief Engineer,
Construction/South Chennai,
No.183, E.V.R. Periyar High Road,
Egmore, Chennai-600 008.

3. Deputy Chief Engineer,
Gauge Conversion-II,
Southern Railway, State Bank Road,
Thiruchirappalli-620 001

4. General Manager,
Southern Railway, Headquarters Office,
Park Town, Chennai-600 003.

... Respondents

PRAYER : This Application is filed under Section XIV Rule 8 of the High Court Original Side Rules r/w. Section 9 of the Arbitration and Conciliation

Act, 1996 and Section 151 of C.P.C. praying to grant an order of stay of



operation of the Order of Termination issued by 1st Respondent vide Notice dated 24/12/2021 in Ref. No.CECNMS-2021-E-22834 dated 24/12/2021 for the so-called balance quantity, till the conclusion of the arbitration proceedings.

For Petitioner : M/s.P.Shiva

For Respondent : Mr.P.T.Ramkumar,
Standing Counsel (Railways)

ORDER

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Sd/-S.K.R.J.
27.01.2022

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

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