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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2022

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THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.No.15494 of 2022
and
W.M.P.No.14655 of 2022

V.Kesavan

... Petitioner

Vs.

- 1.The Managing Director,
Chennai Metropolitan Water Supply and
Sewerage Board,
No.1, Pumping Station Road,
Chintadripet,
Chennai - 600 002.
- 2.The Purchase Manager,
Chennai Metropolitan Water Supply and
Sewerage Board,
No.1, Pumping Station Road,
Chintadripet, Chennai - 600 002.
- 3.The Area Engineer - V,
Royapuram,
Chennai Metropolitan Water Supply and
Sewerage Board,
No.1, M.C.Road,
Old Washermenpet,
Chennai - 600 021.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Certiorari, to call for the records on the file of the 2nd respondent dated 19.05.2022 in Lr.No.CMWSSB/PUR/Water Lorry/9KL/W.O.No.169/2021-24/Spl/2022 and to quash the same.



For Petitioner : Mr.T.Sai Krishnan

For Respondents: Mr.Gautham S.Raman
Standing Counsel

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ORDER

This writ petition has been filed challenging the impugned order of the 2nd respondent dated 19.05.2022 in Lr.No.CMWSSB/PUR/Water Lorry/9KL/W.O.No.169/2021-24/Spl/2022.

2. The petitioner appears to be a Contractor registered with the respondents for providing tanker lorry for supplying water in and around city of Chennai. It appears that the contractor of the petitioner's lorry developed certain technical and mechanical problems and therefore the petitioner gave representation to the 3rd respondent undertaking to replace the same with a new lorry. However, without considering the same, the 3rd respondent issued a show cause notice dated 21.04.2022. The petitioner also replied to the same which has now culminated in the order of the 2nd respondent dated 19.05.2022. Though several submissions were made on merits, I am of the view that the present writ petition is not maintainable as there is an Arbitration Clause prescribed under Clause 30 of the Contract dated 21.03.2021 signed between the petitioner and the respondent Board.

3. The Clause 30 of the Contract dated 21.03.2021 which reads as under:

"30.Arbitrations:

In case of any dispute arising out of this contract the matter will be decided under the Arbitration and Conciliation Act and the arbitrator shall be nominated by the M.D. Both the parties should abide by that arbitrators decision."

4. There is a commercial dispute which has to be resolved only under the aegis of the Arbitration & Conciliation Act, 1996.

5. The petitioner has an alternate remedy under Sections 9 and 17 of the Arbitration and Conciliation Act, 1996, to protect his rights. Under these circumstances, I am inclined to dismiss this writ petition with liberty to the petitioner to file an appropriate application before the Court of competent jurisdiction for the relief under the provisions of the



Arbitration and Conciliation Act, 1996.

6. Accordingly, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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7. Registry is directed to return the original copy of the impugned order to the learned counsel for the petitioner, to facilitate the petitioner to file appropriate application under Sections 9 and 17 of the Arbitration and Conciliation Act, 1996.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Managing Director,
Chennai Metropolitan Water Supply and
Sewerage Board,
No.1, Pumping Station Road,
Chintadripet,
Chennai - 600 002.
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Chennai Metropolitan Water Supply and
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No.1, M.C.Road,
Old Washermenpet,
Chennai - 600 021.



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Copy to:

The Section Officer
ER Section High Court,
Madras
(with direction to return the
original copy of the impugned order
to the counsel for the petitioner)

+1 cc to Mr.T.Sai Krishnan Advocate sr38895 dated 24/06/2022

W.P.No.15494 of 2022

and

W.M.P.No.14655 of 2022

gmr (co)
aa22/06/2022
aa24/06/2022