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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.03.2022

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.No.24051 of 2019 and
W.M.P.No.23875 of 2019

Excel Engineering Enterprises
No.63, Tamaraikulam,
Elagiri Post, Jolarpettai,
Vellore District,
Rep. by its Proprietor G. Kumaresan

...Petitioner

Vs

1. The General Manager,
Southern Railways,
Park Town, Chennai 600 003.
2. The Chief Administrative Officer,
Construction, Southern Railway,
Egmore, Chennai 600 008.
3. The Financial Advisor &
Chief Administrative Officer, Construction,
Southern Railway,
Egmore, Chennai 600 008.
4. The Chief Engineer / Central,
Construction, Southern Railway,
Egmore, Chennai 600 008.
5. The Deputy Chief Engineer,
MTP (Railways), Southern Railway,
Mylapore, Chennai 600 004.
6. The Manager,
Syndicate Bank,
No.65, Chetty Street,
Tirupattur, Vellore - 635 601.

... Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records



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relating to the contract termination notice in No.MTMY/MTP/496/Excell dated 04.06.2019 on the file of the 5th respondent quash the same.

For Petitioner : Mr.Selva Ananth
For R1 to R5 : Ms.G.Shankar Devi
for Mr.P.T.Ramkumar
For R6 : No Appearance

O R D E R

The petitioner makes an endorsement in the writ petition that the lis in this writ petition no longer survives in light of an Arbitration Award passed in his favour on 13.09.2021.

2.By an interim order dated 16.08.2019, the petitioner was directed to deposit the amount payable under a performance bank guarantee in an interest bearing Fixed Deposit in the name of the Registrar General of this Court to the credit of this writ petition. On 23.09.2019, the petitioner has complied with the aforesaid order and the Fixed Deposit Receipt bearing No.62514050021911/1 for an amount of Rs.33,43,698/- has been issued by the Syndicate Bank in the name of the Registrar General.

3.Ms.G.Shankar Devi, learned counsel representing Mr.P.T.Ramkumar, learned counsel for the respondents 1 to 5 / Railways would submit that in light of the Arbitration Award dated 13.09.2021, the respondents have no objection to the petitioner receiving and encashing the above Fixed Deposit.

4. Let the petitioner approach the Registrar General of this Court in this regard with a copy of this order in order that the Registrar General do the needful in regard to the encashment of the Fixed Deposit by the petitioner.

5. The Writ Petition is dismissed as withdrawn granting liberty as aforesaid. Consequently, connected Writ Miscellaneous Petition is closed. There shall be no order as to costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

Jeni/vs



To

1. The General Manager,
Southern Railways,
Park Town, Chennai 600 003.
2. The Chief Administrative Officer,
Construction, Southern Railway,
Egmore, Chennai 600 008.
3. The Financial Advisor &
Chief Administrative Officer, Construction,
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Mylapore,
Chennai 600 004.
6. The Manager,
Syndicate Bank,
No.65, Chetty Street,
Tirupattur, Vellore - 635 601.

Copy to:-

7. The Registrar General
High Court, Madras.

+2cc to Mr.M.Sathish Kumar, Advocate, S.R.No.13515
+1cc to Mr.P.T.Ramkumar, Advocate, S.R.No.13451

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W.M.P.No.23875 of 2019

SRA(CO)
CT 14/03/2022