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IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

WEDNESDAY, THE 23RD DAY OF FEBRUARY 2022

THE HON'BLE MR. JUSTICE M.SUNDAR

O.A.No.804 of 2021

In the matter of General Conditions of Contract dated 7.8.2019 between the applicant and Bharat Heavy Electricals Ltd.(BHEL) General Manager (SCT Purchase), Nandanam, Chennai-96.

M/S.ANNAI INFRA DEVELOPERS LTD.
Door No.2/9, A.N.Towers,
Dr.Sathyamurthy Hospital Opp. Road,
2/5, Perundurai Road,
Erode-638 011.

..Applicant

-Vs-

BHARAT HEAVY ELECTRICALS LTD.(BHEL)
(A GOVERNMENT OF INDIA UNDERTAKING)
Rep.by Addl.General Manager,
Power Sector, Southern Region,
Tek Tower, No.11,
Old Mahabalipuram Road,
Okkiyam Thoraipakkam,
Chennai - 600 035.

..Respondent

Original Application praying that this Hon'ble Court be pleased

to grant an order of ad-interim injunction restraining the respondent, its

authorities and officials from in any manner proceeding with the risk tender



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dated 24/11/2021 for “balance civil and architectural works of coal handling plant area for unit 1 and 2 (package 1) including other miscellaneous works at 2 x 660 MW Udangudi Super Critical Thermal Power Project, Tuticorin District, Tamilnadu, India”, pending resolution of the main dispute raised in the notice for appointment of arbitration made by the applicant, pending disposal of the Original Application.

This Original Application coming on this day before this court for hearing the court made the following order:

In the captioned application which has been presented in this Court under Section 9 of 'The Arbitration and Conciliation Act, 1996 (Act 26 of 1996)' [hereinafter 'A and C Act' for the sake of brevity, convenience and clarity], Mr.Sathish Parasaran, learned Senior counsel instructed by counsel on record for applicant and Mr.K.Hari Shankar, learned counsel for respondent are before this Court.

2. This Court is informed without any disputation or disagreement that the captioned application has since become infructuous as the respondent has proceeded with the risk tender and has also awarded the contract to a third party.



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3. Though obvious, it is made clear that the captioned application will now stand disposed of as closed without expressing any view or opinion on the merits of the matter as this Court is also informed that the constitution of Arbitral Tribunal [AT] is in the anvil.

4. Captioned Original Application is disposed of as closed on the above terms. There shall be no order as to costs.

Sd/.M.S.J.
23.02.2022

//Certified to be a true copy//

Dated at Madras this the day of 2022.

SU./25.02.2022

COURT OFFICER(O.S.)

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