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Cont.P.No.333 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 10.10.2022

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THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

Cont.P.No.333 of 2022 &

M/s.S.J.Equipments,
No.1, Shakthi Flats, No.65, Kamaraj Salai,
Virugambakkam, Chennai – 600 092. .. Petitioner

Vs

Shri Trilok Kothari,
The Divisional Railway Manger, Works, Palhat,
Works Branch, Divisional Office,
Southern Railway, Palghat, Kerala – 678 002. ... Respondent

Prayer:- Contempt Petition filed under Section 11 of the Contempt of Court Act to punish the respondent for willful disobedience of the Order dated 16.07.2021 passed by this Court in O.P.No.506 of 2013.

For Petitioner : Mr.A.Sri Sarann

For Respondent : Mr.P.T.Ramkumar
Standing Counsel for the respondent

ORDER



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This Contempt Petition has been filed to punish the respondent for willful disobedience of the Order of this Court dated 16.07.2021 passed by this Court in O.P.No.506 of 2013.

2. The main contention of the petitioner is that the award has not been fully satisfied and the entire amount has not been paid.

3. Whereas, the learned counsel appearing for the respondent would submit that they had calculated and paid the amount, besides 75% of the award amount has been deposited while filing an application under section 34 of the Arbitration and Conciliation Act before this Court. As there is a dispute with regard to the calculation of interest, the same cannot be gone into in this contempt petition. According to him, contempt petition is not maintainable.

4. It is relevant to note that originally Micro and Small Enterprises Facilitation Council [MSEFC] has passed an award which was put into challenge under section 34 of the Arbitration and Conciliation Act in Original Petition in O.P.No.506 of 2013. This Court by its Order dated



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16.07.2021 dismissed Original Petition confirming the award passed by MSEFC. It is also relevant to note that at the time of filing a petition under section 34 of the Arbitration and Conciliation Act, 75% of the award amount has been ordered to be deposited before this Court and it is lying to the credit of the Registrar General, High Court, Madras.

5. Now the contention of the petitioner is that the amount has not been fully paid. Whereas, the learned counsel for the respondent contended that they calculated the interest and a sum of Rs.12,82,307/- has already been credited in the account apart from the principal amount. The calculation adopted by the respondent is disputed by the petition.

6. Normally, the award will be enforced in accordance with the provisions of Code of Civil Procedure as per Section 36 of the Arbitration and Conciliation Act. This view is also fortified by the Division Bench of this Court in **Contempt Petition No.2295 of 2018 dated 04.07.2019 [Mrs.Ranjani Venkataraman Ganesh Vs. Mr.Ashis Purvankara and three others]**. As the dispute is lingering with regard to the calculation, this Court is of the view that the petitioner can very well file an execution



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petition to enforce the award and work out his remedy as per law. The
petitioner may file an application for payment out of the amount deposited
in O.P.No.333 of 2013 and withdraw the amount.

7. With the above observation, this Contempt Petition is closed.

10.10.2022

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N.SATHISH KUMAR, J.

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