



O.S.A.(CAD)No.15 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.10.2023

CORAM:

**THE HONOURABLE MR. JUSTICE D.KRISHNAKUMAR
AND
THE HONOURABLE MR. JUSTICE P.DHANABAL**

**O.S.A(CAD)No.15 of 2013
and CMP.No.4653 of 2023**

Chennai Metropolitan Water Supply and Sewerage Board,
No.1, Pumping Station Road,
Chintadripet, Chennai-600 002.
Now at No.75, Santhome High Road,
MRC Nagar, Chennai-600 028.

... Appellant / Petitioner

Vs.

M/s.Tecton Engineering and Constructions LLC,
New No.808, G.R.Complex,
II Floor, Nandanam, Chennai-600 035. .. Respondent

PRAYER: Original Side Appeal filed under Section 13(1A) of the Commercial Courts Act, 2015 r/w. Order XXXVI Rule 1 of Original Side Rules r/w. Section 37 (1)(c) of the Arbitration and Conciliation Act, 1996 against the judgment and decretal order dated 10.11.2022 made in O.P.(Comm.Div) No.289 of 2021.

For Appellant : Mr.Gautam S.Raman

For Respondent : Mr.Amalaraj S.Penikilapatti



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JUDGMENT

[Judgment of the Court was made by *D.KRISHNAKUMAR, J.*]

The learned counsel for the appellant submitted that the matter has been settled before the Mediator and the parties have complied with their obligation as per the agreement and in the light of the above, seeks for withdrawal of this appeal and for refund of the Court Fee as per Section 69-A of the Tamil Nadu Court Fees and Suit Valuation Act 1955. He also made an endorsement to that effect.

2. The Hon'ble Supreme Court in the decision in ***The High Court of Judicature at Madras, Rep. by its Registrar General v. M.C.Subramaniam & Ors. [SLP Civil Nos.3063-3064 of 2021]*** has held as under:

"21. Thus, in our view, the High Court was correct in holding that Section 89 of the CPC and Section 69-A of the 1955 Act be interpreted liberally. In view of this broad purposive construction, we affirm the High Court's conclusion, and hold that Section 89 of CPC shall cover, and the benefit of Section 69A of the 1955 Act shall also extend to all methods of out-of-court dispute settlement between parties that the Court subsequently finds to have been legally arrived at. This would, thus, cover the present controversy, wherein a private



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settlement was arrived at, and a memo to withdraw the appeal was filed before the High Court. In such a case well, the appellant, i.e., Respondent No.1 herein would be entitled to refund of court fee."

3. In the light of the submission and endorsement made by the learned counsel for the appellant, this original side appeal stands dismissed as withdrawn. The appellant is entitled for refund of Court fee in the light of the aforesaid decision of the Hon'ble Supreme Court. No costs. Consequently, connected miscellaneous petition is dismissed.

(D.K.K., J.) (P.D.B., J.)
12.10.2023

Intex : Yes/No
Internet : Yes/No
Jvm

D.KRISHNAKUMAR, J.
and



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