



Arb.O.P.No.23 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.04.2024

CORAM

THE HON'BLE Mr. JUSTICE KRISHNAN RAMASAMY

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and

A.No.231 of 2022

1.The General Manager,
Southern Railway,
Head Quarters Office,
Park Town, Chennai 600 003.

2.The Chief Engineer/South,
Construction, Southern Railway,
Periyar E.V.High Road,
Egmore, Chennai 600 008

... Petitioners

Vs.

URC Construction (P) Ltd,
Rep. by its Managing Director,
No.119, Power House Road,
Erode 638 001.

... Respondent

Arbitration Original Petition filed under Section 34(2)(a)(iv), (b)(ii) of
the Arbitration and Conciliation Act, 1996 to set aside the Arbitral Award



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passed by the learned Arbitrator dated 03.01.2020 in relation to disputes arising out of Agreement No.69/CN/2013 dated 08.07.2013 in so far as claim Nos.1, 3, 4, 5, 6 and 7.

For Petitioner : Mr.P.T.Ramkumar

For Respondent : Mr.A.Vikash

ORDER

This petition has been filed to set aside the Arbitral Award passed by the learned Arbitrator dated 03.01.2020.

2. The learned counsel for the Petitioner has submitted that the parties herein have agreed to settle the contractual disputes and the award amount in terms of “Vivad-Se-Vishwas-11” Scheme introduced by the Ministry of Finance and hence, this Petition may be dismissed, as withdrawn and also made an endorsement to that effect in the affidavit filed in support of this Petition.

3. The learned counsel for the Petitioner also prays for refund of full Court fee, in view of Section 89(2) of CPC and Section 69A of the Tamil



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Nadu Court fee and Suit Valuation Act, 1955 and in view of decision of the Honourable Supreme Court reported in **2021 SCC Online SC 109 (The High Court of Judicature at Madras Vs. M.C.Subramaniam and others)**.

4. In the light of the above said decision of the Honourable Supreme Court and Section 89(2) of CPC and Section 69A of the Tamil Nadu Court Fee and Suit Valuation Act, 1955, the Petitioner is entitled to refund of full Court fee.

5. Accordingly, recording the submissions of the learned counsel for the Petitioner and the endorsement made in the affidavit filed in support of this Petition, this Arbitration Original Petition is dismissed, as withdrawn. Consequently, the connected application is also closed.

6. The Registry is directed to refund the full Court fee subject to all procedural formalities in this regard being complied with, by way of a negotiable instrument in favour of the learned counsel for the Petitioner, within a period of four weeks from the date of receipt of a copy of this order.



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Speaking/Non-speaking order
Index : Yes / No
Neutral Citation: Yes / No
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KRISHNAN RAMASAMY.J.,
nsa

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