



WEB COPY



W.P.No.26997 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2023

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.26997 of 2022

and

W.M.P.Nos.26217 and 26218 of 2022

Coimbatore Integrated Waste Management
Company Private Limited,
No.2A, Kansas Avenue,
Trilok Apartments, Sitra,
Coimbatore – 641 014,
Rep. by its General Manager.

... Petitioner

VS.

Coimbatore City Municipal Corporation,
Big Bazar Street,
Coimbatore – 641 004.
Rep. by its Commissioner

... Respondent

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondent to pay the petitioner the sum of Rs.61,15,26,120.95 being monthly fees for transportation including additional fees and processing of MSW and sanitary landfill of rejected and residual inert waste for the period from 01.03.2021 to 31.07.2022 aggregating Rs.52,72,94,073.89; annual Operation and



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Maintenance (O&M) fees of Rs.15,13,810.84 for closure sites and Rs.8,27,18,236.22 as contractual interest for the non-payment of the above fees till 31.08.2022 is annexed herewith.

For Petitioner : Mr.Jose John
for M/s.King and Partridge
For Respondent : Mr.S.Mahesh

ORDER

The writ petition has been filed seeking a direction to the respondent to pay the transportation charges, processing charges, land filling charges and Operation and Maintenance (O&M) charges of Municipal Solid Waste (MSW) as per the Concession Agreement entered into between the parties on 19.11.2007.

2. Though it is the contention of the learned counsel for the petitioner that the amount claimed is the admitted amount and the Corporation is liable to pay the amount, the Corporation would dispute the amount claimed by the petitioner.



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3. As the amount is not admitted, a dispute is raised, hence this Court required both sides to suggest the names of the Arbitrators on their side as per Article 11.2 of the Concession Agreement between the parties. Accordingly, both sides took adjournment to suggest the names of the Arbitrators on their sides.

4. When the matter is taken up today, the petitioner suggested the name of the Hon'ble Mr.Justice S.Rajeswaran to be the Arbitrator on their side and the Corporation suggested the name of the Hon'ble Mr.Justice V.Bharathidasan as Arbitrator on their side.

5. As the petitioner as well as the respondent have suggested the names of the Arbitrators on their side, this Court request both the above Arbitrators to nominate a Presiding Arbitrator to this matter as per Article 11.2 of the Concession Agreement.

6. The Registry is directed to communicate this order to the Hon'ble Mr.Justice S.Rajeswaran and Hon'ble Mr.Justice V.Bharathidasan and this



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Court also request both the Hon'ble Judges to nominate a Presiding Arbitrator within a period of one (1) month from the date of receipt of a copy of the order.

7. Now in the writ petition though the petitioner made a claim upto July 2022, he is entitled to make all his claim, even the future claim also before the Arbitrators. The Hon'ble Judges suggested by both sides as Arbitrators are entitled to fees as per the schedule IV of the Arbitration and Conciliation Act.

8. With the above directions, this writ petition is disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

10.01.2023

dsa

Index: Yes/No

Internet: Yes /No

Speaking order/Non-Speaking order



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To

The Commissioner,
Coimbatore City Municipal Corporation,
Big Bazar Street,
Coimbatore – 641 004.



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N.SATHISH KUMAR, J.

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