



W.P(MD)No.28428 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.12.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.28428 of 2023

and

W.M.P.(MD)No.24478 of 2023

JR Consultancy Services Private Limited,
Represented by its Director Mr.S.Ovu Reddy,
Plot No.5, 1st Street, Alagarkoil Main Road,
Surya Nagar, K.Pudur,
Madurai-625 007.

... Petitioner

Vs.

- 1.The Additional Director General (Zone-III),
The Ministry of Road Transport & Highways,
No.1, Parliament Street,
Transport Bhavan.
- 2.The Chief Engineer cum Regional Officer,
The Ministry of Road Transport & Highways,
C-1-A, Rajaji Bhavan, Besant Nagar,
Chennai-600 090.
- 3.The Chief Engineer,
National Highways,
Guindy,
Chennai-600 025.
- 4.The Superintending Engineer,
National Highways,
Tirunelveli.
- 5.The Divisional Engineer,
National Highways,



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70/1, Peace Cottage,
Near Old Mayor Bungalow,
Trivandrum Road, Palayamkottai,
Tirunelveli-627 002.

6.M/s.Technocrats Advisory Services Private Limited,
68, Ajanta Apartments,
36, IP Extension, Patparganj,
Delhi-110092.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents No.1 to 5 to disburse the petitioner's share of the Arbitral Award amount to the petitioner as per the Arbitral Tribunal Award dated 14.03.2023 for the joint performance of contract work by the petitioner and the 6th respondent namely “Consultancy Services for Authoritys Engineer for supervision of 1) Construction of flyover from KM 604/252 to KM 607/060 (Marthandam Junction) and from KM 630/116 to KM 631/650 (Parvathipuram Junction) on NH-47 in the State of Tamil Nadu to be implemented on EPC Mode, 2) Improvements work from KM 0/0 - 71/552 on SH-179 on Kanyakumari-Pazhyauchakadai Road in the State of Tamil Nadu under Inter State Connectivity (ISC) Scheme on EPC mode” as per agreement dated 31.05.2016 and substitute agreement dated 17.10.2018 and on the basis of the Sub-Consultancy agreement dated 13.07.2020.

For Petitioner : Mr.K.K.Kannan

For Respondents : Mr.K.Govindarjan
DSGI for R1 to R5



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ORDER

Heard the learned counsel for the petitioner and the learned DSGI appearing for R1 to R5.

2. The petitioner claims to have obtained an award in their favour. The petitioner's apprehension is that instead of honouring the award, the award amount may be disbursed to the 6th respondent. If such is the apprehension of the petitioner, filing of the writ petition is not appropriate remedy. Section 9 of the Arbitration and Conciliation Act, 1996 enables a party to seek interim relief before or during the arbitral proceedings or at any time after the making of the arbitral award but before it is enforced in accordance with Section 36 of the Act. The petitioner can also file a petition for enforcing the award under Section 36 of the Act. When the petitioner can thus seek remedy under Section 36 or 9 of the Act, the petitioner ought not to have moved this Court. I therefore decline to entertain the writ petition. Liberty is given to the petitioner to move the jurisdictional Court for appropriate relief. As and when such petition is filed, the same will be numbered immediately and disposed of on merits and in accordance with law as expeditiously as possible. I make it clear that I have not gone into the merits of the matter.



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G.R.SWAMINATHAN, J.

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3. With this liberty to the petitioner, the Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No

Internet : Yes/ No

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NOTE:Issue Order Copy on 04.12.2023

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