



Arb.OP(Com.Div)No.336 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.04.2024

CORAM:

THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

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1. Union of India, represented by the General Manager
Southern Railway, Chennai-3
2. The Deputy Chief Engineer, Gauge Conversion
Southern Railway, Chennai 600031
3. The Deputy Chief Engineer, Construction
Southern Railway, Tambaram, Chennai-45

Petitioners

Vs

RPN Engineers Chennai Pvt. Ltd.
Chennai 600102

Respondent

Prayer:- This Arbitration Original Petition has been filed under Section 34(2)(b)(ii) and 2(A) of the Arbitration and Conciliation Act, 1996 to set aside the award, dated 27.12.2021 and the amended order, dated 30.01.2022 under Section 34(2)(b)(ii), 2(A) and 28(3) of the said Act.

For Petitioners : Mr.P.T.Ramkumar

For Respondent : Mr.A.Vikash

ORDER

1. This Arbitration Original Petition has been filed, to set aside the award, dated 27.12.2021 and the amended order, dated 30.01.2022 under Section 34(2)(b)(ii), 2(A) and 28(3) of the Arbitration and Conciliation Act, 1996.
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



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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of “Vivad-Se-Vishwas-11” Scheme introduced by the Ministry of Finance and hence, this Petition may be dismissed, as withdrawn and also made an endorsement to that effect in the affidavit filed in support of this Petition.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 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. 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made in the affidavit filed in support of this Petition, this Arbitration Original Petition is dismissed, as withdrawn. 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.

18.04.2024

Index:Yes/No
Web:Yes/No
Speaking/Non Speaking
Neutral Citation:Yes/No
Srcm



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KRISHNAN RAMASAMY, J.

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