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Arb.O.P (Com.Div.) No.258 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.07.2024

CORAM

THE HON'BLE Mr. JUSTICE KRISHNAN RAMASAMY

Arb.O.P (Com.Div.) No.258 of 2024

and

A.No.3484 of 2024

- 1.The Chief Administrative Officer,
Construction,
Southern Railway,
Periyar EVR High Court,
Egmore, Chennai 8
- 2.The Deputy Chief Engineer,
Gauge Conversion II, Southern Railway,
State Bank of India Road, Opp. to Arun Hotel,
Tiruchirapalli 620 001

... Petitioners

Vs.

Shri D.Gopalarathanam

... Respondent

Arbitration Original Petition filed under Section 34(2)(iv) of the Arbitration and Conciliation Act, 1996, to set aside the Arbitral Award dated 30.12.2021 with regard to the Claim No.6 passed by the Arbitral Tribunal comprising of three members viz., K.K.Sharma, Rtd., PCE SR as the presiding Arbitrator and Sh.S.Raghuraman Rtd FA & CAO SR and



Arb.O.P (Com.Div.) No.258 of 2024

Sh.Neeraj Jain, Rtd Chief Track Engineer ECR a Co-Arbitrators and to direct the respondent to pay the cost.

For Petitioner : Mr.M.Vijay Anand

For Respondent : Mr.K.K.Muralidharan

ORDER

This arbitration original petition has been filed to set aside the Arbitration Award dated 30.12.2021.

2. Today, the learned counsel appearing for the petitioner would submit that this matter has been settled under the Vivad Se Vishwas Scheme - II. In this regard, he has filed a memo dated 18.07.2024 along with the settlement agreement dated 27.05.2024 entered between the parties. Hence, he requests this Court to dispose of this original petition in terms of the aforesaid settlement agreement.

3. By recording the above submissions, this original petition is disposed of in terms of the Settlement Agreement dated 27.05.2024. The



Arb.O.P (Com.Div.) No.258 of 2024

said Settlement Agreement shall form part and parcel of this order.

Consequently, the connected application is also closed.

4. Further, the learned counsel for the petitioner 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)**.

5. In the light of the above said decision of the Hon'ble 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.

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.



Arb.O.P (Com.Div.) No.258 of 2024

18.07.2024

WEB COPY

Speaking/Non-speaking order

Index : Yes / No

Neutral Citation: Yes / No

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Arb.O.P (Com.Div.) No.258 of 2024

KRISHNAN RAMASAMY.J.,
nsa

Arb.O.P (Com.Div.)No.258 of 2024
& A.No.3484 of 2024

18.07.2024