



WEB COPY

W.P.No.16182 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.01.2024

CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.No.16182 of 2021

and

W.M.P.Nos. 17124 & 17125 of 2021

M/s. Navitel Corporation Private Limited,
Rep. by its Director,
No.1A,2A, Gangai Street, South Ram Nagar,
Madipakkam, Chennai – 91.

.. Petitioner

VS

1.The Deputy General Manager,
Bharat Sanchar Nigam Limited,
Pondicherry - 605 001.

2.The Chief General Manager,
Bharat Sanchar Nigam Limited,
Tamil Nadu Telecom Circle,
Chennai - 600 006.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus to call for records relating to the impugned order of 1st respondent in T121/Plg/Mtce&Provision of LL & BB/2019-20/57 dated at PY the 13.04.2021 and quash the same and direct the first respondent to permit the petitioner company to continue as Maintenance Partner as per the terms of the Tender awarded in their favour in respect of the three clusters in Pondicherry Business Area of BSNL and further direct the respondents to release all the funds due to be paid to petitioner company within a time limit fixed by this Court.



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For Petitioner : Mr.R.Vijaya Khumar

For Respondents : Mr.S.Udaya Kumar,
Senior Standing Counsel

ORDER

Both Mr.R.Vijaya Khumar, learned counsel for petitioner and Mr.S.Udaya Kumar, learned Senior Standing Counsel for respondents would bring to my notice that order dated 18.10.2023 in W.P.No.14162 of 2021 batch is applicable on all fours to the present case as well. That order is extracted below:-

"Both Mr.R.Vijaya Khumar, learned counsel for the petitioner and Mr.S.Udayakumar, learned counsel for the respondents convey the instructions of their respective clients that the lis between the parties may be settled by arbitration.

2. Agreement dated 10.02.2020 inter se the parties contains a clause for arbitration clause (9), in Section V of part A of the General (Commercial) Conditions of Contract. Since the quantification of the claim in the present case is less than Rs.5 crores, a sole arbitrator is to be appointed.

3. Both learned counsel have filed a joint memo dated 18.10.2023 seeking the appointment of Hon'ble Mr.Justice D.Murugesan (Retd) as sole Arbitrator. This Court has also ascertained the availability and concurrence of the Hon'ble Judge to take this assignment up.

4. Hence, Hon'ble Mr.Justice D.Murugesan (Retd), is appointed as sole arbitrator by consent of the parties and a copy of this order will be forwarded to him at No.11-A, M.D.Sitaraman Avenue, 7th Street, VGP Layout, Injambakkam, Chennai - 600 115,



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(Mobile No. 8826253366, Land Line : 044 – 24492268), to enable further progress in the matter.

5. Incidentally, it is recorded that the parties are willing to abide by the Fast Track Procedure in Clause 9.8 of agreement dated 10.02.2020, if adopted by the learned Arbitrator.

6. Writ petitions stand closed in light of this order. No costs. Connected miscellaneous petitions are also closed."

2. In light of the above, the same order is taken to be passed in the present matter as well.

3. This writ petition stands closed. No costs. Connected miscellaneous petitions are closed.

08.01.2024

Index:Yes/No
Neutral Citation:Yes
ssm

To

1.The Deputy General Manager,
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Pondicherry - 605 001.

2.The Chief General Manager,
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DR. ANITA SUMANTH,J.

ssm

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