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Arb.O.P.(Com.Div.)No.98 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.06.2024

CORAM

THE HON'BLE Mr. JUSTICE KRISHNAN RAMASAMY

Arb.O.P.(Com.Div.)No.98 of 2021

and

A.No.2876 of 2021

- 1.The General Manager,
Southern Railway,
Head Quarters Office,
Park Town, Chennai 600 003.
- 2.The Chief Administrative Officer/Construction,
Southern Railway,
Periyar E.V.Road,
Egmore, Chennai 600 008.
- 3.The Deputy Chief Engineer Gauge Conversion/I,
Southern Railway,
State Bank of India Road,
Tiruchirapalli 620 001.

... Petitioners

Vs.

K.Narayanan,
Civil and Transport Contractor,
No.12, Ganga Street, East,
Villupuram 605 602.

... Respondent



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Arbitration Original Petition filed under Section 34(2)(a)(iv), (b)(ii) of the Arbitration and Conciliation Act, 1996 to set aside the arbitral award passed by the learned Arbitrator herein dated 02.01.2020 made in relation to disputes arising out of Agreement No.67/DY,CE/GC/I/TPJ-ROB/HQ dated 31.05.2017 in so far as claim Nos.1, 6, 8 and costs.

For Petitioner : Mr.P.T.Ramkumar

For Respondent : Mr.G.Jeremiah

ORDER

This petition has been filed to set aside the Arbitral Award passed by the learned Arbitrator dated 02.01.2020.

2. The learned counsel for the Petitioner has submitted that the dispute between the parties has been amicably settled and hence, he seeks leave of this Court to withdraw this petition. He has also made an endorsement with regard to the same.

3. The learned counsel for the respondent had confirmed the above submission made by the petitioner.



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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 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.

6. Accordingly, recording the submissions of the learned counsel for the petitioner, this Arbitration Original Petition is dismissed as withdrawn. Consequently, the connected application is also closed.

7. 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



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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.

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Speaking/Non-speaking order

Index : Yes / No

Neutral Citation: Yes / No

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KRISHNAN RAMASAMY.J.,
nsa

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