



CRP(MD) No.2141 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction

Friday, the Twelfth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mrs.Justice S.SRIMATHY

CMP(MD). NoS.253 and 254 of 2022
in
CRP(MD) No.2141 of 2021

Gammon Engineers and Contractors Pvt. Ltd.
Formerly Known as Gammon India Limited (GIL),
Gammon House,
Veer Savarkar Marg,
P.O. Box No. 9129, Prabhadevi,
Mumbai - 400 025.

... Petitioner/ Petitioner
in both the Petitions

Vs

NLC Tamil Nadu Power Limited,
Having its Registered Office at No. 135,
EVR Periyar High Road,
Kipauk Chennai - 600031
The Company Site Office at
Harbour Estate, Tuticorin.

... Respondent/ Respondent
in both the Petitions



CRP(MD) No.2141 of 2021

Prayer in CMP(MD) No.253 of 2022:-

The Civil Miscellaneous Petition is filed under Order 41 Rule 21 of Civil Procedure Code to recall its order dated 29.12.2021 passed in C.R.P. (MD)No. 2141 of 2021 and pass such or any other order/orders and thus render justice.

Prayer in CMP(MD) No.254 of 2022:-

The Civil Miscellaneous Petition is filed under section 151 of Civil Procedure Code to stay its order dated 29.12.2021 passed in C.R.P. (MD)No. 2141 of 2021 and pass other orders as deem fit and thus render justice.

Prayer in CRP(MD) 2141 of 2021:

Civil Revision petition filed under Article 227 of Constitution of India to extend the Liquidated Damages Bank Guarantee furnished by the respondent for a value of Rs. 5,05,89,750/- bearing No. 0564ILG022713 dated 12.12.2013 given by Punjab National bank, PNB House, Mumbai, Pending in IA No. 1 of 2021 in Arb. OP. No. 20 of 2021 on the file of the Principal District Judge, Tuticorin and allow the above Civil Revision Petition pass other order or orders as this Honourable Court may deem fit and proper as to the circumstances of this case and thus render justice.



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ORDER:- These Civil Miscellaneous Petitions coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Thiru. A.Sivaji, Advocate for the Petitioner and of Thiru. P.S.Sundaram, Advocate for the respondent, this Court made the following order:

“These petitions to recall and stay the order of this Court, dated 29.12.2021, cannot be entertained due to efflux of time. However, the question of law that is raised by the respondent is kept alive. The same shall be addressed before the subsequent Civil Revision Petition filed by the respondent.

2.Hence, these civil miscellaneous petitions are closed.”

Sd/-

Assistant Registrar(CS-I)

// True Copy //

/02/2024

Sub Assistant Registrar
(CS-I/II/III/IV)

TO

THE PRINCIPAL DISTRICT JUDGE, THOOTHUKUDI

ORDER DATED : 12/01/2024

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ORDER

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CMP(MD). Nos.253 and 254 of 2022

SI-(31.01.2024) 3P/ 2C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.