



W.P(MD)No.1970 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 28.02.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.1970 of 2024
and
W.M.P(MD)No.1960 of 2024

M/s.Koya & Company Construction Limited,
Represented by its
General Manager – Projects,
M.T.Abubacker Ariff,
Door No.4/153, Ground Floor,
T.M.Nagar, Melur Road,
Uthangudi Post,
Madurai – 625 107.

... Petitioner

Vs.

The Commissioner,
Madurai City Municipal Corporation,
Aringnar Anna Maligai,
Tallakulam,
Madurai – 625 002.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent to constitute a dispute board in terms of clause 20.2 of the General Conditions of contract agreement dated 27.05.2020 executed between the petitioner and respondent in respect of the project work namely dedicated



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water supply scheme for Madurai City Municipal Corporation from Mullai Periyar River at lower camp including construction of service reservoir, feeder main and clear water transmission main for providing dedicated water supply to Madurai City Municipal Corporation from Mullai Periyar at Lower Camp - Package 3, by considering the representation of the petitioner dated 20.01.2022 within a time frame fixed by this Court.

For Petitioner : Mr.B.Saravanan
Senior Counsel
for Mr.D.Kirubakaran

For Respondent : Mr.K.K.Kannan
Standing Counsel

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Standing Counsel appearing for Madurai City Municipal Corporation.

2.The petitioner entered into a contract with the respondent Corporation were carrying out certain works. Dispute has arisen between the parties. All that the petitioner wants is for constituting a dispute board for resolution. The petitioner had already nominated their



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member. The Corporation is yet to nominate its member. Thereafter, the two will jointly nominate an umpire. Clause 20.4 clearly states that the decision of the dispute board will be binding on the parties unless it is amicably resolved or put to challenge in arbitration.

3.I direct the respondent Corporation to nominate its member of the board within a period of three weeks from the date of receipt of a copy of this order. Both the nominees thereafter shall jointly nominate an umpire. The dispute board will hear both the parties and render its decision within the time limit stipulated in the agreement between the parties.

4.This writ petition is disposed of accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

28.02.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
MGA

Note: Issue order copy on 01.03.2024.

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G.R.SWAMINATHAN, J.

MGA

To

The Commissioner,
Madurai City Municipal Corporation,
Aringnar Anna Maligai,
Tallakulam,
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