



W.P(MD)No.15406 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 01.08.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.15406 of 2024

Thaai Foundation,
No.13, Jamarapuram Main Road,
Madurai.
Represented by its Partner,
P.Sathish,
S/o.K.Pandi.

... Petitioner

Vs.

- 1.The Divisional Railway Manager,
Tirichirapalli Division,
Tirichirapalli.
- 2.The Chief Medical Superintendent,
Railway Hospital,
Golden Rock,
Southern Railway,
Tirichirapalli.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to pay a sum of Rs.39,16,462/- with interest at the rate of 7.4% as per the arbitrator award dated 12.02.2023.



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W.P(MD)No.15406 of 2024

For Petitioner : Mr.M.Sricharan Rangarajan
Senior Counsel
for C.Jeganathan

For Respondents : Mr.K.Govindarajan
Deputy Solicitor General of India

ORDER

Heard the learned Senior Counsel appearing for the writ petitioner and the learned Deputy Solicitor General of India for respondents.

2.The petitioner had rendered contractual service for the respondents. An arbitral award has been passed in favour of the writ prayer. The petitioner wants this Court to direct the respondents to pay the arbitral award amount.

3.The Hon'ble Supreme Court in more than one case has held that the writ petition cannot be entertained for executing an award. It is for this reason I am not in a position to grant the relief straightaway as requested by the petitioner. In fact, the petitioner also would point out that the award suffers from a glaring error. The petitioner has been called upon to pay the GST for the period when the GST had not come into force. Even though I may find the contentions persuasive, again I must express my difficulty in not being able to grant relief.



W.P(MD)No.15406 of 2024

4.The only relief I can grant is permitting the petitioner to file an execution petition before the jurisdictional Court. As and when such a petition is filed, it should be numbered immediately and taken on file. If the impugned award is not stayed or set aside in the meanwhile, the execution Court will conclude the entire proceedings within a period of four months thereafter.

5.This writ petition is disposed of accordingly. There shall be no order as to costs.

01.08.2024

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

To

1.The Divisional Railway Manager,
Tirichirapalli Division,
Tirichirapalli.

2.The Chief Medical Superintendent,
Railway Hospital,
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G.R.SWAMINATHAN,J.

MGA

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