



CMP(MD) No.11579 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Thursday, the Twenty Fourth day of October Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice R.SUBRAMANIAN
and
The Hon`ble Mrs.Justice L. VICTORIA GOWRI

CMP(MD) No.11579 of 2024
IN
WA(MD) No.1103 of 2024

M/S. IRON INFRASTRUCTURE AND SERVICES LIMITED (IRCON ISL),
GOVERNMENT OF INDIA,
SITUATED AT PLOT NO.C4,
DISTRICT CENTRE, SAKET,
NEW DELHI 110 017.

REP. BY ITS CHIEF EXECUTIVE OFFICER. ... PETITIONER/3rd RESPONDENT/
3rd RESPONDENT

Vs

1 MADURAI MULTIFUNCTIONAL COMPLEX PVT. LTD(MMCPL),
SITUATED AT BLOCK-C, 2ND FLOOR,
CHOWRINGHEE MANSION,
30, JAWAHARLAL NEHRU ROAD,
KOLKATA 700 016.

... 1st RESPONDENT/PETITIONER/
APPELLANT

2 THE UNION OF INDIA
THE MINISTRY OF RAILWAYS,
RAISINA ROAD,
NEW DELHI 110 001.

REP. BY ITS SECRETARY.

<https://www.mmc.thr.gov.in/judis>



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3 RAIL LAND DEVELOPMENT AUTHORITY,
SITUATED AT NUMBER 702-B, 7TH FLOOR,
KONNECTUS TOWER 2, DMRC BUILDING,
AJMERI GATE, DELHI 110 002,
REP. BY ITS CHAIRMAN

4 THE ESTATE OFFICER
SOUTHERN RAILWAY,
DIVISION OFFICE,
WORKS BRANCH,
MADURAI 625 001.

5 M/s.JOYALUKKAS INDIA LTD
JOYALUKKAS JEWELLERY,
SITUATED AT MADURAI MULTIFUNCTIONAL COMPLEX (P) LIMITED,
WEST VELLI STREET, RAILWAY STATION PREMISES,
MADURAI 625 001,
REP. BY AUTHORISED PERSONS

... RESPONDENTS/RESPONDENTS/
RESPONDENTS

Civil Miscellaneous Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to Vacate the interim stay granted in CMP(MD)No.8286 of 2024 vide order dated 04.07.2024.

Prayer in WA(MD) No.1103 of 2024:

Writ Appeal filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to set aside the order in WP (MD)No.6747 of 2024 dated 08.04.2024 on the file of this Hon'ble Court and dismiss the said writ petition.

Prayer in WP(MD). 6747/ 2024 :

To issue a Writ of Mandamus to issue direction to the 3rd Respondent M/s.IRCON ISL shall consider the representation dated 02.02.2024 of the petitioner.

ORDER : This Civil Miscellaneous Petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.NISHIT KUSH, Advocate for the petitioner and of Mr.N.DILIP



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KUMAR, Advocate for the 1st Respondent and Mr.K.GOVINDARAJAN, Deputy Solicitor General of India on behalf of the Respondents No.2, 3 & 4 and Mr.T.LAJAPATHI ROY, Senior Counsel for Mr.M.MAHABOOB FAZIL, Advocate for Mr.P.V.VETRIVEL, Advocate for the 5th Respondent, the court made the following order:-

(Order of the Court was made by R.SUBRAMANIAN,J.)

The application to vacate stay has been filed by the third respondent in the Appeal.

2.According to the third respondent, though the interim order protects his interest by directing the appellant to pay the amount as determined by the Arbitrator without fail, the said order has not been honoured by the appellant.

3.Mr.N.Dilipkumar, learned counsel appearing for the appellant would submit that the appellant has sought for extension of time before the Arbitrator and part of the amount as directed by the Arbitrator has been paid.

4.We do not think we should go into those questions. If the third respondent in the appeal/petitioner herein in C.M.P.(MD)No.11579 of 2024, is favoured with an order by the Arbitrator, it is open to it to execute the said order and recover the money. Now that, an order of the Arbitrator is akin to the decree of Civil Court, the petitioner can also attach the moneys lying in the hands of other tenants also.

5.Hence, the Application to vacate interim stay order is dismissed with a clarification that it will be open to the petitioner/3rd respondent in the Writ Appeal to



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execute the orders passed by the Arbitrator and modified by the Delhi High Court in
the manner known to law.

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sd/-
24/10/2024

/ TRUE COPY /

/11/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO
1 THE SECRETARY,
UNION OF INDIA
THE MINISTRY OF RAILWAYS,
RAISINA ROAD,
NEW DELHI 110 001.

2 THE CHAIRMAN
RAIL LAND DEVELOPMENT AUTHORITY,
SITUATED AT NUMBER 702-B, 7TH FLOOR,
KONNECTUS TOWER 2, DMRC BUILDING,
AJMERI GATE, DELHI 110 002,

3 THE ESTATE OFFICER
SOUTHERN RAILWAY,
DIVISION OFFICE,
WORKS BRANCH,
MADURAI 625 001.

+1 CC to M/s.M.MAHABOOB FAZIL, Advocate (SR-13121[I] dated 25/10/2024)

+1 CC to M/s.N.DILIPKUMAR, Advocate (SR-13198[I] dated 25/10/2024)



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ORDER
IN
CMP(MD) No.11579 of 2024
IN
WA(MD) No.1103 of 2024
Date :24/10/2024

SA/SKN/SAR. /14.11.2024/5P/6C

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