



W.P.(MD) No.12080 of 2016

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD) No.12080 of 2016

and

W.M.P.(MD) Nos.9209 of 2016 and 8903 of 2017

R.V.Shankarnarayanan

... Petitioner

/vs./

1.The Senior Divisional Engineer,
Divisional Co-ordination Works Branch,
Madurai -16.

2.The Divisional Railway Manager (Works),
Southern Railway,
Madurai -16.

3.The Senior Divisional Finance Manager,
Southern Railway,
Madurai -16.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned contract termination Notice issued by the 1st respondent vide proceedings No. U/W.149/MDU/122/2010 dated 04.09.2015 and quash the same



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as illegal and consequently direct the respondents to pay all the outstanding payments of Rs.19,00,000/- out of the works completed by the petitioner relating to the proceedings (I) AGT No. MDU/106/08, ii) AGT No. MDU/143/08 and iii) AGT No. MDU/60/2009 including the EMD amount of a sum of Rs.1,86,990/- pending before the respondents.

For Petitioner : M/s.T.Sahtya Selvi

For Respondents : Mr.K.R.Laxman

ORDER

The challenge in the writ petition is the order of termination of the petitioner contract.

2. It is to be noted that as per the terms of the contract, Clause of arbitration is available and therefore, the present writ petition challenging the notice of termination cannot be maintained by the petitioner under Article 226 of the Constitution of India. However, liberty is granted to the petitioner to invoke the Clause of arbitration available under the contract dated 31.07.2011. When the petitioner invokes the Clause, the period of pendency of this writ petition shall stand excluded while calculating the period of limitation.



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3. With such liberty, the Writ Petition stands disposed of. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

Index : Yes / No
Internet : Yes / No
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