



A.No.2250 of 2025

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in

Arb.O.P.(Com.Div.) No.582 of 2022.

ABDUL QUDDHOSE, J.

M/s.G.Sakthi Constructions,
Chennai.

.. Applicant

Vs.

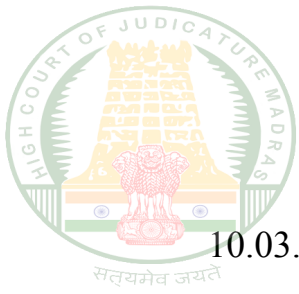
Union of India,
Rep. By Dy. Chief Engineer/
MTP(R)/Southern Railway,
Mylapore, Chennai.

.. Respondent

This application has been filed seeking to modify the order dated 10.03.2025 passed by this Court in Arb.O.P.(Com.Div.) No.582 of 2022.

2. The applicant herein is the petitioner in Arb.O.P.(Com.Div.) No.582 of 2022. In the forthcoming paragraphs, the parties will be referred to as arrayed in Arb.O.P.(Com.Div.) No.582 of 2022.

3. In this application, modification of the earlier order dated 10.03.2025 is sought for by the petitioner as they would submit that it was never their intention to disturb or reopen the portion of the award which was accepted and remained unchallenged by them. Under the order dated



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10.03.2025, the entire arbitral award has been set aside by this Court.

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4. This Court had recorded the submission made by the learned Senior counsel for the petitioner on 27.02.2025 that eventhough adequate grounds have been raised by the petitioner to challenge the arbitral award, the petitioner is willing to go for fresh arbitration since major portion of the claims made by the petitioner before the Arbitrator have been rejected and only a portion has been granted. Thereafter, this Court had heard the submissions of both the counsels and by a detailed order dated 10.03.2025, this Court, after recording the submission made by the learned Senior counsel for the petitioner on 27.02.2025 that the petitioner is willing to go for fresh arbitration, had set aside the impugned award dated 24.01.2022 in entirety and Arb.O.P.(Com.Div.) No.582 of 2022 was allowed by granting liberty to the petitioner to initiate fresh arbitration as per the arbitration clause contained in the contract entered into with the respondent in accordance with law. Therefore, the question of modifying the order dated 10.03.2025 passed by this Court in Arb.O.P.(Com.Div.) No.582 of 2022 does not arise.

5. Since this Court, only after recording the submission made by



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the learned Senior counsel for the petitioner on 27.02.2025 that the entire arbitral award can be set aside eventhough in the arbitration the petitioner had succeeded insofar as some of the claims are concerned, had set aside the entire arbitral award vide its order dated 10.03.2025, this Court makes it clear that the respondent shall not initiate any coercive action against the petitioner insofar as the amount which has been paid to the petitioner under the arbitral award dated 24.01.2022, which has been set aside by this Court through this court's order dated 10.03.2025, till the disposal of fresh arbitration, which is to be initiated by the petitioner. The petitioner shall initiate fresh arbitration as per the order passed by this Court on 10.03.2025 within a period of two weeks from the date of receipt of a copy of this order.

With the above directions, this application is disposed of.

19.06.2025

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ABDUL QUDDHOSE, J.
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19.06.2025