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Rev.Appln.No. 119 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR.JUSTICE R.SAKTHIVEL

Review Application No. 119 of 2025

and

C.M.P.No.14727 of 2025

in

O.S.A.No. 200 of 2019

M/s.Suryadev Alloys and Power Pvt. Ltd.,
Rep. By its Managing Director,
Mr.Mukesh Agarwal,
No.497 & 498 ISANA Building,
8th Floor, Poonamallee High Road,
Arumbakkam, Chennai – 600 106.

... Appellant

Vs.

East Coast Constructions & Industries Ltd.,
Represented by its Director,
Buhari Building, No.4, Moores Road,
Chennai – 600 006.

... Respondent

Prayer: Review Application filed under Section 114 and Order XLVII, Rule 1 of C.P.C, to review the order dated 12.04.2024 made in O.S.A.No.200 of 2019 to set aside the award in so far as award of Claim No.1 and allow the Counter Claim No.(i), (ii) and (iv) with interest @ 18% per annum.



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For Appellant : Mr.D.Ravichandran
For Mr.P.Krishnan
For Respondent : Mr.P.J.Rishikesh

ORDER

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

The learned counsel for the petitioner would seek to assail our finding on the challenge to Claim No.1 on the ground that non-argument of the issue before the learned single Judge would not amount to waiver. The exact words used by the learned single Judge in the order made under Section 34 have been extracted by us in paragraph 16 of the order sought to be reviewed and it reads as follows:-

*“16. ... It may not be necessary to delve more into these aspects of the matter as learned senior counsel for petitioner submitted that arguments in instant OP and the grounds on which impugned award are assailed **shall be limited to Claims (b) and (f) or in other words claims 2 and 6, which were partly allowed** (details of which have been set out supra).”*

2. The learned single Judge had concluded that in view of the



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statement made by the learned Senior Counsel giving up the challenge to the award on Claim No.1, we do not think, we can entertain a review, else we will be pronouncing upon something which happened before the learned single Judge, to which, we were not witnesses. Hence, this Review Application is **dismissed**. No costs. Consequently connected miscellaneous petition is closed. It will be open to the petitioner to move the learned single Judge, if it is so advised.

(R.S.M., J.) (R.S.V., J.)
27.06.2025

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Index: No
Speaking / Non-speaking order
Neutral Citation : No

R.SUBRAMANIAN, J.
and
R.SAKTHIVEL, J.



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