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W.P. No..9562 of 2017

W.P. No.9562 of 2017

and

W.M.P. No.10507 of 2017

M. DHANDAPANI, J.

The matter is listed under the caption "for being mentioned", today.

2. Learned counsel for the petitioner submitted that though mediation had initially taken place, thereafter the parties have mutually agreed to appoint an arbitrator. In view of the same, he submitted that in para Nos. 3 to 5 of the order dated 27.10.2025, the term mediator be substituted with arbitrator and the term mediation be substituted with arbitration. He further submitted that instead of prescribing a specific time limit of four months, the Court may, as prayed, merely observe that the arbitral proceedings shall be concluded as expeditiously as possible, so as to enable the arbitrator to resolve the dispute at the earliest. Therefore, he prays for necessary rectification in paragraphs nos.3 to 5 of the order 27.10.2025. Learned counsel for the respective respondents submitted that they have no objection to such rectification.

3. In view of the stand taken by learned counsel on either side, paragraph



nos.3 to 5 of the order stands substituted as follows:

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3. It is further placed before this Court on behalf of the petitioner/claimant and the respondent/Transport Corporation that there is huge due payable by the Transport Corporation to the petitioner, which has resulted in the filing of the present writ petition. It is further submitted by the learned counsel appearing for the petitioner that there is no contract provides for pursuing arbitration and that there is no formal agreement between the petitioner and the respondent to resort to arbitration. However, learned counsel appearing for the respondent Corporation submitted that the claim raised in the present writ petition is a disputed question of fact, which cannot be gone into in a writ petition.

4. However, when this Court pointed out that without agitating the issue any further, the best option open for the parties would only be to resolve the dispute amicably, which alone would give a quietus and, therefore, the matter may be placed for arbitration, learned counsel appearing on either side agreed that the matter may be resolved by means of arbitration and, this Court may, accordingly, refer the dispute for arbitration and both the parties will cooperate to complete the arbitration at the earliest.



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5. In view of the consent expressed by both the sides expressing their willingness to resolve the disputes before the Arbitrator, this Court is inclined to appoint a sole Arbitrator to resolve the dispute. In such view of the matter, this Court is inclined to pass the following orders :-

(i) Hon'ble Mr. Justice D. Krishna Kumar, Former Chief Justice, High Court of Manipur, who is having address at No.13/7, 12th East Street, Kamarajar Nagar, Thiruvanmiyur, Chennai – 600 041 (Mobile No.94455 00225) is appointed as Arbitrator to resolve the matter;

(ii) both the petitioner and the respondents shall produce their accounts before the Mediator and the learned Arbitrator is requested to conclude the arbitral proceedings as expeditiously as possible;

(iii) the learned Arbitrator may fix his fees and the same shall be borne by the parties equally.

4. Except for the above modifications, the remaining part of the order dated 27.10.2025 shall stand unaltered.

5. Registry is directed to issue fresh order copy to the learned counsel for the parties.

14.11.2025



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M.DHANDAPANI, J.

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and
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14.11.2025



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W.P. No..9562 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.10.2025

CORAM :

THE HONOURABLE MR. JUSTICE **M. DHANDAPANI**

W.P.No.9562 of 2017

and

W.M.P.No.10507 of 2017

M/s.Ulundurpet Expressways Pvt. Ltd.,
(Formerly known as GMR Ulundurper Expressways Pvt. Ltd.),
1220, 7th Floor, Swastik Chamber,
Sion Trombay, Chembur, Mumbai. ... Petitioner

Vs.

- 1.The Secretary (Transport),
Government of Tamil Nadu,
St. John's building, Beach Road,
Chennai – 600 009.
- 2.The Managing Director,
Tamil Nadu State Transport Corporation (Kumbakonam) Limited,
27, New Railway Station Road,
Kumbakonam – 612 001.
- 3.The Managing Director,
Tamil Nadu State Transport Corporation (Viluppuram) Limited,
Viluppuram – 605 602.
- 4.The Managing Director,
Tamil Nadu State Transport Corporation (Madurai) Limited,
Bypass Road,
Madurai – 625 010. ... Respondents



W.P. No..9562 of 2017

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondents to forthwith pay the arrears amounting to Rs.12,80,77,874/- (Rupees Twelve Crore Eighty Lakhs Seventy Seven Thousand Eight Hundred and Seventy Four only) together with interest at 18% per annum from 23.03.2013 till the date of payment on account of pending dues towards toll fees to the petitioner.

For Petitioner	:	Mr.Rahul Balaji
For Respondents	:	Mr.A.M.Ayyadurai Government Advocate [R1] Mr.P.S.Raman Advocate General Assisted by Mr.M.Murali Vinoth [R2 & R4] Mr.M.Aswin [R3]

ORDER

This Writ Petition has been filed by the petitioner seeking for a Writ of Mandamus, to direct the respondents to forthwith pay the arrears amounting to Rs.12,80,77,874/- (Rupees Twelve Crore Eighty Lakhs Seventy Seven Thousand Eight Hundred and Seventy Four only) together with interest at 18% per annum from 23.03.2013 till the date of payment on account of pending dues



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towards toll fees to the petitioner.

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2. When the matter came before this Court on 23.11.2022, the present writ petition was disposed of by observing that, since it is only recovery of money, accounts have to be reconciled and the same would be made before the mediator appointed by this Court. When the mediation was in progress, the petitioner herein filed a petition in W.M.P.No.29998 of 2025 seeking to re-open the present writ petition on the ground that different stand has been taken before this Court and the mediator by the respondents. Accordingly, by order dated 25.07.2025, the writ petition was restored to file and it was directed to be posted for hearing.

3. It is further placed before this Court on behalf of the petitioner/claimant and the respondent/Transport Corporation that there is huge due payable by the Transport Corporation to the petitioner, which has resulted in the filing of the present writ petition. It is further submitted by the learned counsel appearing for the petitioner that there is no contract provides for

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pursuing mediation and that there is no formal agreement between the petitioner

and the respondent to resort to mediation. However, learned counsel appearing for the respondent Corporation submitted that the claim raised in the present writ petition is a disputed question of fact, which cannot be gone into in a writ petition.

4. However, when this Court pointed out that without agitating the issue any further, the best option open for the parties would only be to resolve the dispute amicably, which alone would give a quietus and, therefore, the matter may be placed for mediation, learned counsel appearing on either side agreed that the matter may be resolved by means of mediation and, this Court may, accordingly, refer the dispute for mediation and both the parties will cooperate to complete the mediation at the earliest.

5. In view of the consent expressed by both the sides expressing their willingness to resolve the disputes before the mediator, this court is inclined to appoint a mediator to resolve the dispute. In such view of the matter, this Court

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is inclined to pass the following orders :-

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(i) Hon'ble Mr. Justice D. Krishna Kumar, Former Chief Justice, High Court of Manipur, who is having address at No.13/7, 12th East Street, Kamarajar Nagar, Thiruvannamipur, Chennai – 600 041 (Mobile No.94455 00225) is appointed as Mediator to mediate the matter;

(ii) both the petitioner and the respondents shall produce their accounts before the Mediator and the learned Mediator is requested to conclude the mediation proceedings within a period of four (4) months from the date of receipt of a copy of this order;

(iii) the learned Mediator may fix his fees and the same shall be borne by the parties equally.

6. The Writ Petition is disposed of in the above terms. No costs.

Consequently, the connected miscellaneous petition is closed.

27.10.2025

Index : Yes / No

Speaking order / Non-speaking order



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Neutral Citation Case : Yes/No

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Note :

Registry is directed to communicate a copy of this order to Hon'ble Mr. Justice D. Krishna Kumar, Former Chief Justice, High Court of Manipur.

To

- 1.Hon'ble Mr. Justice D. Krishna Kumar,
Former Chief Justice High Court of Manipur,
No.13/7, 12th East Street,
Kamarajar Nagar, Thiruvanmiyur, Chennai – 600 041.
- 2.The Secretary (Transport),
Government of Tamil Nadu,
St. John's building, Beach Road,
Chennai – 600 009.
- 3.The Managing Director,
Tamil Nadu State Transport Corporation (Kumbakonam) Limited,
27, New Railway Station Road,
Kumbakonam – 612 001.
- 4.The Managing Director,
Tamil Nadu State Transport Corporation (Viluppuram) Limited,
Viluppuram – 605 602.
- 5.The Managing Director,
Tamil Nadu State Transport Corporation (Madurai) Limited,
Bypass Road, Madurai – 625 010.



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sp

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27.10.2025



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