



W.A.(MD)Nos.694 to 696 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 20.03.2025

CORAM:

THE HONOURABLE **MRS.JUSTICE J.NISHA BANU**

AND

THE HONOURABLE **MRS.JUSTICE S.SRIMATHY**

W.A.(MD)Nos.694 to 696 of 2025

&

C.M.P.(MD)Nos.4869 to 4871 of 2025

The Commissioner,
Thoothukudi Municipal Corporation,
Thoothukudi.

... Appellant in all W.As.

-Vs-

M/s.Our Land Engineering Works Pvt.Ltd.,
Rep. by its Director,
No.70/1, First Floor, Anjugam Nagar Third Street,
Jaffarkhanpet, Chennai District.

... Respondent in all W.As.

COMMON PRAYER: Appeals filed under Clause 15 of Letters Patent, praying this Court to set aside the common order dated 20.06.2024 made in W.P.(MD)Nos. 21577, 21578 and 21581 of 2017 on the file of this Court.

For Appellant : Mr.Veera Kathiravan,
Additional Advocate General,
assisted by Mr.N.Ananda Kumar

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For Respondent : Mrs.Juliet Latha
(in all W.As.)

COMMON JUDGMENT

[Judgment of the Court was delivered by **J.NISHA BANU, J.**]

These Writ Appeals are directed against the common order dated 20.06.2024 made in W.P.(MD)Nos.21577, 21578 and 21581 of 2017.

2.The respondent / writ petitioner filed the said Writ Petitions challenging the deduction made by the appellant towards Service Tax component and diesel for the service rendered by the respondent / writ petitioner to the appellant. The Writ Court, after hearing both sides, allowed the said Writ Petitions, directing the appellant to pay interest of 15% as per Clause 18.2 of the agreement to the respondent / writ petitioner. Challenging the same, the appellant has filed these Writ Appeals.

3.Heard the learned counsel on either side and perused the material available on record carefully.



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4.A perusal of the records would show that the issue involved in this matter pertains to contractual obligation and there is an arbitration clause. Therefore, as per the agreement, the parties ought to have approached the arbitrator concerned for resolving the issue. In such view of the matter, we are inclined to set aside the order passed by the Writ Court and refer the matter to the arbitrator concerned for consideration as per the clause in the agreement. Accordingly, the impugned order of the Writ Court is set aside and these Writ Appeals are allowed. No costs. Consequently, connected miscellaneous petitions are closed.

[J.N.B., J.] & [S.S.Y., J.]
20.03.2025

NCC : Yes / No
Index : Yes / No

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S.SRIMATHY, J.

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