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Arb O.P(COM.DIV.) No. 158 of 2  
and Arb O.P(COM.DIV.) SR No. 9311 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 02-04-2026**

CORAM

**THE HON'BLE DR.JUSTICE A.D.MARIA CLETE**

Arb O.P(COM.DIV.) No. 158 of 2026  
and A.No.785 and 801 of 2026

and

Arb O.P(COM.DIV.) SR No. 9311 of 2026

Arb O.P(COM.DIV.) No. 158 of 2026

Bharat Heavy Electricals Limited  
Registered Office  
BHEL House, Siri Fort, New Delhi -110 049.  
Local Office - Power Sector - Souther Region  
690, 6th Floor, EVR Periyar Building,  
Anna Salai, Nandanam, Chennai - 600 035.

..Petitioner(s)

Vs

Vasavi Power Service Private Limited  
Registered Office  
Door No.4-13, Ibrahim Patnam, Vijayawada,  
Krishna District,  
Andhra Pradesh - 521 456.

Corporate Office  
4th Floor, Golden Edifice,  
Khairatabad, Hyderabad,  
Represented by its Head,  
Project Management,  
Mr.M.R.Praveen.

..Respondent(s)

PRAYER: Petition filed u/s 34(2) (b)(ii), 34(2A), r/w. Sections 18 and 28 of the Arbitration and Conciliation Act, 1996 (As amended), seeking to set aside the Final award dated 06.08.2025 passed by the Arbitral Tribunal in its entirety.

b) To direct the Respondent to pay the costs of the instant petition.



For Petitioner(s): Mr.V.V.Siva Kumar

For Respondent(s): Ms.Deepika Murali

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Arb O.P(COM.DIV.) SR No. 9311 of 2026

Vasavi Power Services Pvt. Ltd.,  
Represented by its Managing Director  
Mr.Nallapu Kiran Kumar,  
Having their registered office at Door.No.4-13,  
Ibrahim Patnam,  
Vijayawada. Krishna District,  
Andhra Pradesh - 521 456.  
Presently at: No. 405, 4th Floor, Golden Edifice,  
Khairathabad,  
Hyderabad – 500 004, Telagana.

..Petitioner

Vs

Bharat Heavy Electricals Limited  
Registered office : BHEL House,  
Siri Fort, New Delhi – 110 049.

Local Office: Power Sector; Southern Region,  
690, 6<sup>th</sup> Floor EVR Periyar Building,  
Anna Salai, Nandanam, Chennai – 600 035.

Presently at : BHEL-PSSR,  
Integrated Office Complex,  
26/4, Velachery-Tambaram Main Road,  
TNEB Road, Pallikaranai,  
Chennai, Tamil Nadu-600 100.

..Respondent(s)

PRAYER: Petition filed u/s 34(2) (a)(iii), 34(2)(a)(iv), 34(2)(b)(ii) and 34(2A) of the Arbitration and Conciliation Act, 1996, seeking to set aside the Arbitral Award dated 06.08.2025 passed by the Ld. Arbitral Tribunal comprised of the Honble Mr. Justice K. Ravichandrabaabu Retd. to the limited extent of non-adjudication/rejection of the Petitioners claim for refund of Rs. 2,01,56,660/-,



being the amount unilaterally deducted by the Respondent.

For Petitioner(s):

Ms.Deepika Murali

For Respondent(s):

Mr.V.V.Siva Kumar

### **COMMON ORDER**

The learned counsel for the petitioner in both cases have made an endorsement that a settlement has been arrived at between the parties to the Arbitration, who are now before this Court in the petitions filed under Section 34 (2) of the Arbitration and Conciliation Act and that the petitioner may be permitted to withdraw the petitions.

2. The petitioner in Arb O.P(COM.DIV.) SR No. 9311 of 2026 has filed a memo for refund of the Court fees paid by them to the tune of Rs.1,00,000/-. The fee was paid by the petitioner under Article 4 of Schedule II of the Tamil Nadu Court Fees and Suits Valuation Act, 1955. By virtue of the Tamil Nadu Court Fees and Suit Valuation Act, 1955, Court fee has been fixed at 3 per cent of the Valuation of the subject matter of the petition, subject to a maximum of Rs.1,00,000/-. Therefore, Court fees is payable as per the provisions of the Act.

3. Insofar as refund of Court fee in O.P. (Com. Div.) No.158 of 2026 is concerned, Section 69-A would apply, even where the settlement has been arrived at outside the Court, as held in AIR 2021 SC 2662.



4. Insofar as refund of Court fee in unnumbered O.P. Sr. No.9311 of 2026 is concerned, the condone delay petition filed therein has now been endorsed as withdrawn. In such circumstances, the petition for condoning delay in presenting the application challenging the arbitral award is akin to a petition relating to delayed presentation of a plaint, as contemplated under Section 66 of the Tamil Nadu Court-Fees and Suits Valuation Act, 1955. Accordingly, refund of Court fee is ordered in favour of the petitioner.

5. In the result, O.P. (Com. Div.) No.158 of 2026 is dismissed as having been settled out of Court, and O.P. Sr. No.9311 of 2026 is rejected. Refund of the full Court fee is ordered. The cheque shall be issued in the name of the petitioner.

**02-04-2026**

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

SRM



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**DR.A.D.MARIA CLETE, J.**

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