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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-07-2026

CORAM

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

Arb O.P(COM.DIV.) No.142 of 2026

M/s.URC Construction Pvt. Ltd.,
A Company incorporated under the
Companies Act, 1956
Registered Office at
118, Power House Road,
Erode - 638 001, Tamil Nadu,
Represented by its Authorised Signatory,
Mr.M.Murugan

..Petitioner

Vs

1. The General Manager,
   Southern Railway,
   Headquarters Office,
   Park Town,
   Chennai - 600 003.

2. The Chief Engineer,
   Central / Construction and MTP,
   Southern Railway,
   Egmore, Chennai - 600 008.

..Respondents

PRAYER : Petition filed under Section 11(6) of Arbitration and Conciliation Act, 1996 as amended by the Arbitration and Conciliation (Amendment) Act, 2019 to appoint a sole Arbitrator under Section 11(6) of the Arbitration and Conciliation Act, 1996 as amended from time to time, to resolve the disputes between the petitioner and the respondents arising out of and in connection with the Agreement No.MTP/CIVIL/488/16 dated 29.02.2016.

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For Petitioner : Ms.A.Madhumathi

For Respondents : Mr.V.Ashok Kumar
Senior Panel Counsel

ORDER

This Arbitration Original Petition has been filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 to appoint a sole arbitrator to resolve the disputes between the petitioner and the respondents in accordance with the terms of the agreement dated 29.02.2016.

2. Heard both sides.

3. The learned counsel appearing for the petitioner submitted that the agreement between the parties contains a valid arbitration clause. It is further submitted that a notice under Section 21 of the Arbitration and Conciliation Act, 1996 has already been issued invoking arbitration. Placing reliance on the decision of the Hon'ble Apex Court in Civil Appeal Nos.9486 & 9487 of 2019, it is contended that the petitioner is entitled to seek the appointment of an Arbitrator.

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4. On the contrary, the learned Senior Panel Counsel appearing for the respondents would vehemently contend that, firstly, the petitioner had not followed the dispute resolution mechanism by approaching the internal mechanism as provided in the contract and, secondly, that the issue is not arbitrable. He would further submit that the matter of appointment of the Arbitrator had been provided for in the contract and without adhering to the same, the petitioner has approached this Court.

5. I have considered the submissions made by the learned counsel appearing on either side and the materials available on record.

6. Admittedly Clause 64 provides an arbitration clause governing the disputes arising out of the contract. A notice under Section 21 had also been issued by the petitioner on 12.05.2025. The issue of arbitrability of the dispute cannot be decided in a Section 11 petition unless and until a claim is made that the arbitration agreement itself arises out of fraud. The clause of arbitration in the agreement is identical to the clause that was considered to be impermissible by the Hon'ble Apex Court in the judgment relied upon by the petitioner.

7. For the aforestated reasons, this Court finds no impediment to the appointment of a Sole Arbitrator to adjudicate the disputes between the

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petitioner and the respondents. Accordingly, **Mr.T.Sudanthiram, Former Judge, Madras High Court,** (Mobile No.98410 16353 & 044-25514447) having office at No.39/2, New No.20, Anandavelu Street, Perambur, Chennai – 600 011, is appointed as the Sole Arbitrator to enter upon the reference and resolve the disputes between the petitioner and the respondents.

8. The learned Sole Arbitrator is entitled to fix his own fees. This Court further requests the learned Sole Arbitrator to endeavour to decide the dispute as expeditiously as possible.

9. Accordingly, this Arbitration Original Petition is ordered. No costs.

01-07-2026

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

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To

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   Southern Railway,
   Egmore,
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3. Mr.T.Sudanthiram,
   Former Judge,
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   Having office at No.39/2, New No.20,
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K.KUMARESH BABU, J.

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