

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

FRIDAY, THE 7TH DAY OF AUGUST 2015/16TH SRAVANA, 1937

AR.No. 31 of 2015

PETITIONER(S):

**SILPA PROJECTS AND INFRASTRUCTURE (I) PVT. LTD.,
PARAMARA ROAD, KOCHI-18,
REPRESENTED BY ITS MANAGING DIRECTOR.**

BY ADV. SRI.P.K.RAVISANKAR

RESPONDENT(S):

**M/S.NOORUL ISLAM TRUST,
REGISTRATION NO.46/IV/2005, V/64, GROUND FLOOR,
ADMINISTRATIVE BLOCK, AL-AZHAR CAMPUS,
PERUMPILLICHIRA POST, REPRESENTED BY ITS CHAIRMAN,
THODUPUZHA, PIN-685 605.**

**THIS ARBITRATION REQUEST HAVING BEEN FINALLY HEARD
ON 07-08-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

Msd.

APPENDIX

PETITIONER(S)' ANNEXURES :

- ANNEXURE A: DULY CERTIFIED COPY OF THE ARBITRATION AGREEMENT CONTAINED IN CLAUSE 35 OF THE GENERAL CONDITIONS OF CONTRACT.
- ANNEXURE B: TRUE COPY OF THE LETTER OF ACCEPTANCE DATED 21.05.2012 ISSUED BY THE RESPONDENT TO THE PETITIONER.
- ANNEXURE C: TRUE COPY OF THE AGREEMENT DATED 20.06.2012 BETWEEN THE PETITIONER AND THE RESPONDENT.
- ANNEXURE D: TRUE COPY OF THE LETTER DATED 25.02.2015 ISSUED BY THE PETITIONER TO THE RESPONDENT.
- ANNEXURE E: TRUE COPY OF THE LETTER DATED 14.05.2015 ISSUED BY THE PETITIONER TO THE RESPONDENT.
- ANNEXURE F: TRUE COPY OF THE LETTER DATED 14.05.2015 ISSUED BY THE PETITIONER TO M/S.TECHNICALIYA CONSULTANTS PRIVATE LIMITED.
- ANNEXURE G: TRUE COPY OF THE LETTER DATED 03.06.2015 ISSUED BY THE PETITIONER TO THE RESPONDENT.
- ANNEXURE H: TRUE COPY OF THE POSTAL A.D.CARD SIGNED BY THE RESPONDENT.

RESPONDENT(S)' ANNEXURES :

NIL

//TRUE COPY//

P.A.TO JUDGE.

Msd.

B. KEMAL PASHA, J.

.....
Arbitration Request No.31 of 2015
.....

Dated this the 7th day of August, 2015

ORDER

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This is an arbitration request from the part of the petitioner based on Annexure-A agreement containing arbitration clause. Clause No.35 of Annexure-A shows that the disputes or differences of any kind in connection with the contract, have to be referred for arbitration.

2. The petitioner is a private limited company engaged in construction works for private individuals as well as for institutions. They have entered into a contract with the respondent Trust for the construction of hospital and medical college at Thodupuzha. Even though an amount of ₹6,89,39,111/- was due and payable to the petitioner by the respondent as on 25.02.2015, the amount was not paid. Again, some more works were done and bills were submitted. Those bills were not honoured and no payments were made and, therefore, presently, according to the

petitioner, an amount of ₹12,78,94,769/- is due to the petitioner from the respondent. The notice for appointing an Arbitrator did not evoke any response at all.

3. Notice has been served on the respondent. There is no representation for the respondent. Heard learned counsel for the petitioner.

4. On hearing the learned counsel for the petitioner and on perusing the records, it seems that a subsisting dispute is there in between the parties, which has to be referred for arbitration as per clause 35 of Annexure-A agreement.

In the result, this Arbitration Request is allowed and Sri.M.S.Mohanachandran, District Judge (Retired), Karthika, Amankovil Street, Near Collectorate, Thevally, Kollam is appointed as the Arbitrator in the matter.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/07/08

// True Copy //
PA to Judge