

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 04.11.2016

CORAM

THE HONOURABLE Mr.JUSTICE RAJIV SHAKDHER

A.No.1445 of 2015
in O.A.No.168 of 2015

M/s.Elite Contractors (Chennai) Private Limited,
Rep. by its Director,
N.D.S. Akhar Ali,
78 Greams Road,
Chennai-6.

... Applicant

Vs

M/s.Vasavi Builders Medavakkam,
Rep. by is Partner,
P.B.Krishna Prasad,
8A, Kandasamy Street,
Raja Annamalaipuram,
Chennai-28.

... Respondent

Application filed under Order XIV Rule 8 of Original Side Rules, 1956, read with Section 9 of the Arbitration and Conciliation Act, 1996, to appoint an Advocate Commissioner with team of consisting of Chartered Civil Engineer, Structural Engineer, Surveyor and Valuer to inspect the construction site and note down the physical features and to examine the present status of the work done; to assess the constructions made by the applicant in Block No.II, III and IV in the schedule mentioned property and to assess the applicant construction materials and machineries sanctioned in the construction site and to file a report thereof.

For Applicant : Mr.C.Shyam Sundar

For Respondent : Mr.Shivakumar
for Mr.MA.Gouthaman

ORDER

1. Counsel for the applicant i.e., M/s.Elite Contractors (Chennai) Pvt. Ltd., Chennai says, that this Court, at its behest, appointed an Advocate Commissioner. It is stated that the Advocate Commissioner, has filed his report. Records shows that the Advocate Commissioner, has filed a report, dated 26.03.2015.

2. I am further informed by the learned counsel for the applicant, that a sum of Rs.20,000/- was paid to the Advocate Commissioner, in terms of the order of this Court, as initial remuneration. This fact is borne out, upon perusal of order, dated 03.03.2015.

3. Mr.Ponram Rajaa, who is present in Court, affirms that he has received a sum of Rs.20,000/-, towards initial remuneration. The learned Advocate Commissioner seeks further payment, in view of the fact, that he had inspected 161 flats.

4. It is, however, conceded, by the learned Advocate Commissioner, that assistance of a Civil Engineer, surveyor and a photographer was taken, and that, the burden of their fee has been borne by the applicant.

5. I am informed by the learned counsel for the applicant, that a sum of Rs.20,000/- was paid to the Civil Engineer and Surveyor, while a sum of Rs.10,000/- was paid to the photographer.

6. Having regard to the overall circumstances, the applicant is directed to pay, a further sum of Rs.50,000/- to the learned Advocate Commissioner, within a period of two weeks from the date of receipt of a copy of the order. In view of the fact that, a report has been submitted by the learned Advocate Commissioner and the same is placed before me, the applicant prays that the captioned application be closed. It is ordered accordingly.

A.No.1381 of 2015
in O.A.No.168 of 2015

1. Mr.Shivakumar for Mr.MA.Gouthaman, who appears for the original applicant in O.A.No.168 of 2015 says, that he would obtain instructions, as to whether, his client will be agreeable to the appointment of an arbitrator, by this Court.

2. At request, re-notify on 15.11.2016.

3. In the meanwhile, interim order passed by this Court, will continue to operate.

04.11.2016

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RAJIV SHAKDHER, J.

gya

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and
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in
O.A.No.168 of 2015

04.11.2016

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