

In the High Court of Judicature at Madras

Dated : 24.04.2015

Coram :

The Hon'ble Mr.Sanjay Kishan Kaul, Chief Justice

O.P.No.282 of 2014

M/s.Fast Track Pvt. Ltd.
Rep. by its Managing Director,
Mr.C.Ambigapathy.

.. Petitioner

-VS-

1.The Chairman
Airports Authority of India,
Rajiv Gandhi Bhavan,
Safdarjung Airport, New Delhi.

2.The Airport Director,
Airports Authority of India,
Madurai Aerodrome, Madurai.

.. Respondents

Petition filed under Sections 11 of the Arbitration and Conciliation Act, 1996, to appoint an Arbitrator to adjudicate all the claims and disputes arising out of the Agreement dated 19.05.2013 between the petitioner and the respondents.

For Petitioner : Mr.Amalaraj.S.Penikilapatti

For Respondents : Mr.C.K.M.Appaji

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ORDER

In terms of the arbitration clause 29 of the agreement inter se the parties dated 19.05.2013, the dispute resolution mechanism provides for the disputes to be referred to a Dispute Resolution Committee (DRC) set up at the airports as a first step and in case of failure to resolve the dispute within 45 days, the matter has to be referred to sole arbitration and a person has to be appointed by the Chairman / member of the Authority.

2. In the present petition, an endeavour was made to resolve the disputes at high level vide Minutes of the meeting dated 04.12.2013 and according to the petitioner, that is equivalent to a DRC.

3. On the other hand, learned counsel for the respondent states that the DRC is a separate concept and the petitioner has to file an application for the disputes to be resolved through DRC.

4. In view of the aforesaid, I am inclined to accept the submission of learned counsel for the respondent and direct the

respondent to appoint the Dispute Resolution Committee within fifteen days from today, whereafter, Clause 29 will be followed. It is also appropriate to direct that in case the DRC is unsuccessful to resolve the dispute within the stipulated period of forty five days, the Managing Director / Authority of the respondent will appoint an arbitrator within fifteen days of such failure being communicated by the DRC, if it so happens. This is to obviate the necessity of again approaching this Court.

5.If, however, the respondent fails to act in terms aforesaid, the petitioner is at liberty to file a fresh petition under Section 11(6) of the Arbitration and Conciliation Act, 1996.

6.The original petition, accordingly, stands disposed of, leaving the parties to bear their own costs.

(S.K.K., CJ.)
24.04.2015

sra

The Hon'ble Chief Justice

(sra)

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