

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12..03..2015

C O R A M

The Hon'ble Mr. **SANJAY KISHAN KAUL**, Chief Justice

Original Petition No.388 of 2014

GMP International GMBH, of Harderbergstrasse
4-5, D-10623 Berlin, Germany
represented by its Authorised Signatory
Col.C.Jaishankar, General Manager,
Archivista Engineering Project Pvt., Ltd.,
No.25/10, Ehirarj Lane, Egmore,
Chennai 600 008.

.. Petitioner

versus

1.The Government of Tamil Nadu
represented by the Secretary
Public Works Department
Fort St.George, Chennai 600009.

2.Chief Engineer (Builders), Chennai Region
Chepauk, Chennai 600 009.

3.The Superintending Engineer (I/C) PWD,
Building Construction Circle
Tamil Nadu Legislative Assembly Complex
Chepauk, Chennai 600 005.

4.The Executive Engineer
Building Construction Division,
Tamil nadu Legislative Assembly Complex
Chepauk, Chennai 600005.

.. Respondents

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Prayer : *Petition filed under Section 11 of the Arbitration and Conciliation Act, 1996, for appointment of an independent arbitrator in terms of Clause 2.19 of the Agreement for consultancy in 8A/BCM/2007-2008 dated 15.02.2008, 01/BCC-TNLA/2009-2010 dated 16.07.2009 and 4A/BCC/TNLA/2011-2012 dated 30.05.2011, entered between the parties.*

For Petitioner : Mr.T.Gowthaman
 For Respondent : Mr.A.L.Somayaji – Advocate General
 assisted by Mr.M.Venugopal
 Special Government Pleader for R.1 to R.3

O R D E R

The learned counsel for the parties agreed that the disputes inter se the parties could be referred to the sole Arbitration of Thiru Justice K.Venkataraman, a retired Judge of the High Court of Madras, as proposed by them, leaving all the defences open to the parties to raise before the learned Arbitrator.

2. Accoringly, the petition filed under Section 11 of the Arbitration and Concilation Act, 1996, is allowed. I hereby appoint ***Thiru Justice K.Venkataraman, a retired Judge of the High Court of Madras***, as the Sole Arbitrator to enter upon reference and adjudicate the disputes inter se the

parties. The learned Arbitrator shall enter upon the reference and after issuing notice to the parties and hearing them, pass an award as expeditiously as possible, preferably within a period of six months from the date of receipt of the order. The learned Arbitrator is at liberty to fix the remuneration and other incidental expenses, which shall be borne equally by both the parties.

3. The original petition is accordingly allowed leaving the parties to bear their own costs.

(S.K.K., CJ.)
12th March, 2015

ksr

The Hon'ble The Chief Justice

(ksr)

O.P. No.388 of 2014

12.03.2015