

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19..06..2015

C O R A M

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

Original Petition No.437 of 2014

Mr.P.Ibrahim

.. Petitioner

versus

RRB Energy Ltd.,
GA – 1/B -1 Extension
Mohan Cooperative Industrial Estate
Mathura Road, New Delhi 110 044.

.. Respondent

Prayer : Petition filed under Section 11(5) of the Arbitration and Conciliation Act, 1996, for appointment of an auditor as arbitrator for resolving the dispute in between the petitioner and the respondents with reference to the MoUs dated 5.12.2009, 18.04.2010 and 19.11.2010.

For Petitioner : Mrs.R.Meenal

For Respondent : Mr.K.R.Harin

O R D E R

The learned counsel for the parties agreed that the agreement inter se the parties contains the arbitration clause and disputes have arisen with reference being required to be made by this Court to arbitration. The only aspect emphasised by the learned counsel for the respondents is that in reply to the

legal notice fraud has been pleaded by the respondents, though no reply has been filed in response to the petition before this Court – an aspect that can always be examined by the Arbitrator, as held by the Honourable Supreme Court in the Judgment reported in *AIR 2014 SC 3723 (Swiss Timings Ltd., vs. Organising Committee, Common Wealth Games 2010, Delhi)*.

2. Learned counsel for the parties propose that a Single Arbitrator be appointed by this Court and the Arbitration be conducted under the aegis of the Madras High Court Arbitration Centre. Learned counsel for the parties jointly propose Mr.T.Mohandass, a retired District Judge, as the sole Arbitrator to adjudicate the dispute between the parties.

3. Thus, as proposed and agreed, I appoint *Mr.T.Mohandass, a retired District Judge, residing at Old No.3, New No.5, Solaimman Koil Street, Purasaivakkam, Chennai 600 007 (Cell: 9443193382)*, as the Sole Arbitrator, to enter upon reference and adjudicate the disputes inter se the parties. As agreed by the learned counsel for the parties, the arbitration proceedings will be conducted under the aegis of the Madras High Court Arbitration Centre and the parties will be governed by the Rules of the Centre.

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

ksr

(S.K.K., CJ.)
19th June, 2015

The Hon'ble The Chief Justice

(ksr)

O.P. No.437 of 2014

19.06.2015