

In the High Court of Judicature at Madras

Dated : 10.04.2015

Coram :

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

O.P.No.700 of 2014

J.Kuzhandai Kani

.. Petitioner

-vs-

The Hindustan Petroleum Corporation,
Rep. by its Duly Constituted Attorney,
Chennai Retail Regional Office,
Thalamuthu Natarajan Building,
Gandhi Irwin Road, Chennai.

.. Respondent

Petition filed under Section 11 (6) (b) of the Arbitration and Conciliation Act, 1996, read with Rule 2 of the Appointment of Arbitrators of the Madras High Court Scheme, 1996, to appoint an arbitrator in terms set out in Section 11(6) (b) of the Act to decide the dispute between the petitioner and the respondents arising out of the agreement dated 03.01.2001.

For Petitioner : Mr.V.Raghavachari

For Respondent : Mr.M.Vijayan
for M/s.King & Partridge.

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O R D E R

The arbitration clause undisputedly requires the

Managing Director to either act as an Arbitrator himself or

<https://hcservices.ecourts.gov.in/hcservices/>

appoint an Arbitrator. It is also once again undisputed

that the notice invoking arbitration was not addressed to the Managing Director, but was addressed to the officer of the respondent Corporation, who cancelled the contract. Thus, the plea of the Designated Authority having lost the right to appoint an Arbitrator really does not arise in the present case.

2.The further development is also being the appointment of the Arbitrator by the Designated Authority, who is already proceeding with the arbitration.

3.In view of the aforesaid, the petitioner cannot invoke the jurisdiction for appointment of an Arbitrator by this Court

4.Original Petition is, thus, dismissed, leaving the parties to bear their own costs.

Sd/. (S.K.K., CJ.)
10.04.2015

//Certified to be a true copy//
Dated this the day of 2015.

R.s/12.06.2015

COURT OFFICER

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