

In the High Court of Judicature at Madras

Dated : 23.04.2015

Coram :

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

O.P.No.315 of 2015

Om Spun Pipes & Concrete Works,
Rep. by its Sole Proprietor,
K.Satyanarayana Raju. ... Petitioner

-vs-

- 1.The Divisional Railway Manager (Works)
Southern Railway, Park Town, Chennai.
- 2.The General Manager,
Southern Railways, Park Town, Chennai. ...Respondents

Petition filed under Section 11(6) of the Arbitration and Conciliation Act, 1996, to appoint an Arbitral Tribunal to decide all the claims of the petitioner as set out in their letter dated 02.08.2013 which have been raised pursuant to the dispute between the petitioner and the first respondent under LOA No.M/W.496/East/5902 dated 22.11.2007 and Agreement No.27/East/MAS dated 15.02.2008.

For Petitioner : M/s.S.Rajeni Ramadoss
For Respondents : Mr.A.P.Srinivas

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O R D E R

Admit. Notice, which is accepted by Mr.A.P.Srinivas,
learned counsel for the respondents.

2.The petitioner is directed to deposit a sum of Rs.1,000/- (Rupees one thousand only) towards initial expenses under Clause 12 of the Appointment of Arbitrators by the Chief Justice of Madras High Court Scheme, 1996, within a period of two weeks from today.

3.It is informed that the Arbitral Tribunal is already in seizin of the disputes earlier referred to arbitration. The question is of certain other claims, which are liable to be adjudicated, but the objection of the respondents is that they are excepted matters.

4.In view of the judgment of this Court rendered in **M.Rajkumar vs. The General Manager, Southern Railway (2015 (2) CTC 353)**, these claims are also referred to the same Arbitral Tribunal, which will, inter alia examine the issue of the maintainability of these claims before the Arbitral Tribunal on account of the claim of being excepted matters.

5.Original Petition is disposed of in terms aforesaid, leaving the parties to bear their own costs.

Sd/. (S.K.K., CJ.)
23.04.2015

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