

In the High Court of Judicature at Madras

Dated : 31.07.2015

Coram :

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

O.P.No.404 of 2015

M/s.Macro Marvel Infrastructure
Corporation Limited,
rep. by its Director M.Ravi Kumar,
GC, Gleneden Place,
No.813, Poonamallee High Road,
Kilpauk,
Chennai-600 010.

.. Petitioner

-VS-

M/s.Puduchery Housing Board,
rep. by its Executive Engineer,
Anna Nagar, Nellithoppu,
Pudhucherry-605 005.

.. Respondent

Petition filed under Section 11 (6) of the Arbitration and Conciliation Act, 1996, to appoint an arbitrator for the respondent to adjudicate the claims/disputes arising out of the work order in No.2-484/PHB/EE/DB/2003 – 04/1116 dated 31.01.2007 issued by the respondent to the petitioner.

For Petitioner : Mr.M.Rajaraman

For Respondent : Mr.T.P.Manoharan

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ORDER

After some arguments, it is agreed that in view of the nature of the settlement of disputes and arbitration Clause 25, since there is failure on the part of the Engineer in-charge as per first part of Clause 1 (i), the second part of Clause (ii) has to come into play before Clause 2 (ii) for a decision by the Arbitrator is invoked.

2. In the result of the aforesaid, the petitioner is permitted to file an appeal to the Board within fifteen days from today and the Board will give its decision within thirty days of the receipt of the appeal as provided for in the Clause. In case the petitioner is still dissatisfied with the decision, then within a period of thirty days from the receipt of such dissatisfied decision, the petitioner can give notice to the Board for appointment of an Arbitrator.

3. The petition is thus disposed of in aforesaid terms. No costs.

(S.K.K., CJ.)
31.07.2015

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Note: Issue order copy on: 05.08.2015.

The Hon'ble Chief Justice

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