

In the High Court of Judicature at Madras

Dated : 11.09.2015

Coram :

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

O.P.No.454 of 2015

A.Radhakrishnan

.. Petitioner

-vs-

The General Manager
Southern Railway Headquarters Office,
Park Town, Chennai.

.. Respondent

Petition filed under Section 11 (6) of the Arbitration and Conciliation Act, 1996, to appoint an independent and impartial Arbitrator to hear and decide the claims of the Petitioner arising out of the contract agreement dated 23.01.2009 as set out under the details of claims in Para 16 of the petition.

For Petitioner : Mr.K.K.Muralitharan

For Respondent : Mr.P.T.Ramkumar

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O R D E R

The matter has been heard at great length over the interpretation of the Dispute Resolution Clause, which, in my view, makes it quite abundantly clear that since the respondent failed to resolve the dispute within 120 days of the notice, the 60 days period would commence to appoint an

Arbitral Tribunal in terms of the arbitration clause. In terms of the letter dated 27.04.2015, four names were proposed for the petitioner to select two of them and one Arbitrator had to be appointed by the respondent, after that to constitute a Three-member Arbitral Tribunal.

2.Learned counsel for the petitioner prays that in view of the considerable time having elapsed and to cut short the process of appointing an Arbitral Tribunal, three out of the four may be named as final Arbitral Tribunal, a course of action acceptable to the learned counsel for the respondent.

3. Thus, the Arbitral Tribunal consisting of three Arbitrators, as agreed of Smt.C.Hamza, FA & CAO/T/HQ/MAS, Shri.S.K.Agarwal, CETE/MAS and Shri.T.M.Sridhar, CSTE/Pro&Pig./MAS, is appointed to enter upon reference and adjudicate the dispute inter se the parties. The Arbitral Tribunal will endeavour to conclude the arbitration proceedings within a period of six (6) months from today.

4.Original petition, accordingly, stands disposed of. No costs.

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

11.09.2015

//Certified to be a true copy//

Dated this the day of 2015.

R.s/26.10.2015

COURT OFFICER