

In the High Court of Judicature at Madras

Dated : 16.10.2015

Coram :

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

O.P.No.652 of 2015

Fujitec India P Ltd.
No.5, Cross St., Srinagar colony,
Saidapet, Chennai, rep. by
Mr.M.Sashikumar, 'Manager-Field Operation'. .. Petitioner

-VS-

Metroline Promoters P Ltd.,
Corporate Office at 'Gold Souk'
Block C, Sector -43, Sushant Lok,
Phase I, Gurgaon, Haryana.,
Rep. by its Senior Assistant Vice
President, Mr.Sanjay Singh Gusain. .. Respondent

Petition filed under Order II R.1 of O.S. Rules, read with Section 11 (5) of the Arbitration and Conciliation Act, 1996, to appoint a sole Arbitrator with directions to adjudicate the disputes between the parties in connection with the composite contracts bearing No.MPPL/LIFT/FUJITEC/Chennai/2013-14/03 dated 30.08.2013 and MPPL/ESCALATOR/FUJITEC/Chennai/2013-14/02 dated 30.08.2013 and give the Award within such time as this Court may be pleased to determine.

For Petitioner : Mr.A.Narayanan

For Respondent : Mr.R.Y.Kalia
for Mr.Maheshkumar.S.

* * * * *

ORDER

Learned counsel for the respondent has entered appearance.

2.Learned counsel for the parties jointly propose that the parties will make an endeavour to resolve the dispute through the process of mediation, for which purpose the matter may be referred to the Tamil Nadu Mediation and Conciliation Centre, Madras High Court Campus. If, however, no resolution is possible within a period of three (3) months of the date fixed before the Mediation Centre or any extended period granted thereof by this Court, the dispute be resolved through arbitration of a sole arbitrator with the arbitration proceedings being held under the aegis of the Madras High Court Arbitration Centre.

3.In view of aforesaid, the agreed order is as under:

1. The parties will appear before the Tamil Nadu Mediation and Conciliation Centre, Madras High Court Campus, on 03.11.2015 at 2.15 p.m.;
2. The parties will endeavour to resolve the dispute through mediation within a period of three (3) months of the said date or any extended period as may be granted by the Court; and

3. If no resolution of dispute is possible, then the matter would go for arbitration of Mr.R.Narayanasamy, a retired Judicial Officer, as the Sole Arbitrator to adjudicate the disputes in that eventuality and the Arbitrator will endeavour to conclude the proceedings within a period of six (6) months from the matter being received by the Arbitration Centre.

4. 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.

(S.K.K., CJ.)
16.10.2015

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Note: Mark a copy to

- (i) The Addl. Registrar-Vigilance
Madras High Court Arbitration Centre,
Madras High Court Campus, Chennai.
- (ii)The Arbitrator, as referred above.
- (iii)The Assistant Registrar,
Tamil Nadu Mediation and Conciliation Centre,
Madras High Court Campus, Chennai.

The Hon'ble Chief Justice

(sra)

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