

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.648 of 2012

M/s.V.N.V.Builders Pvt. Ltd.,
rep. by Managing Director,
No.149, Kalaramani Moduchur village,
Gobichettipalayam,
Erode-638 476.

.. Petitioner

-VS-

1.The Superintending Engineer (Project),
Tamil Nadu Slum Clearance Board,
5, Kamarajar Salai,
Chennai-600 005.

2.The Executive Engineer – Division II,
Tamil Nadu Slum Clearance Board,
Chennai-600 039.

3.The Executive Engineer – Division III,
Tamil Nadu Slum Clearance Board,
Chennai-600 039.

.. Respondents

Petition filed under Section 11 (6) of the Arbitration and Conciliation Act, 1996, to appoint an Arbitrator to resolve the disputes which has arisen between the Petitioner and the Respondents.

For Petitioner

: Mr.K.V.Subramanian

Senior Counsel
for
M/s.K.V.Subramanian Associates

For Respondents : Mr.N.Duraikannan

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ORDER

The petition has been filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 in respect of the disputes arising qua the tender awarded to the petitioner in pursuance to the tender notification dated 29.10.2010 vide letter of acceptance of respondent No.1 dated 28.02.2011. An agreement was executed on 28.02.2011.

2. The agreement *inter se* parties, undisputedly, provides for settlement of the disputes through an arbitration and in view of the special condition of the agreement, in case of the dispute being over Rs.50,000/-, appointment of arbitrator has to be made by the Madras High Court.

3. The disputes that arose *inter se* parties resulted in notice being sent by the petitioner on 16.6.2012 sketching out the disputes invoking arbitration clause. The response sent by respondent No.1 dated 06.07.2012 only dealt with the merits of the controversy and there was no response qua the arbitration issue.

4. The learned counsel for the respondents admits that there are

disputes *inter se* parties, which would be resolved through arbitration and thus, an arbitrator be appointed to resolve the disputes *inter se* parties qua the claim raised by the petitioner or any claim, which may be raised by the respondents in accordance with law.

5. In view of the aforesaid, this petition filed under Section 11(6) of the Arbitration and Conciliation Act, 1996, is allowed and by consent, I appoint **Mr.Justice K.Chandru**, a retired Judge of this Court, as the Sole Arbitrator to enter upon the reference and after issuing notice to the parties and upon hearing them, pass an award as expeditiously as possible, preferably within a period of six months from the date of receipt of the order. The learned Arbitrator is at liberty to fix the remuneration and other incidental expenses, which shall be borne by the parties equally.

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

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The Hon'ble Chief Justice

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