

**In the High Court of Judicature at Madras**

**Dated : 27.03.2015**

**Coram :**

**The Honourable Mr.Justice M.M.SUNDRESH**

**O.P.No.806 of 2013**

Shree Pachamuthu & Co.,  
Represented by its Managing Partner Mr.P.Murugesan,  
New No.3/248; Old No.2/183,  
K.Vadugapatty P.O., Konganapuram (Via),  
Salem-637 102.

.. Petitioner

-VS-

1.The Union of India,  
Represented by the General Manager,  
Southern Railway, Head Quarters Office,  
Park Town, Chennai-3.

2.The Divisional Railway Manager (Works),  
Palghat Division, Southern Railways,  
Palghat, Kerala.

.. Respondents

Petition filed under Section 11 (6) of the Arbitration and Conciliation Act, 1996, to appoint Arbitrators and to refer all the petitioner's seven claims totaling to Rs.92,35,000/- arising out of the contract bearing the Agreement No.J/127 dated 08.04.2009 to Arbitration.

For Petitioner : Mr.Amalraj

For Respondents : Mr.V.G.Suresh Kumar

**ORDER**

Seeking appointment of Arbitrators under Section 11(6) of the Arbitration and Conciliation Act, 1996, in pursuant to the dispute raised after execution of an agreement dated 08.04.2009, the present original petition has been filed.

2. When the matter is taken up for hearing, the learned counsel appearing for the respondents submitted that a letter dated 27.02.2014 has been addressed to the petitioner nominating the following panel of officers to the arbitral Panel. Hence, the same officers may be appointed as Arbitrators.

(1) Shri S.Jayakrishnan, Sr.DEE/TRD/PGT;

(2) Shri C.C.Joy, Sr.DME/PGT; and

(3) Shri V.C.Sudeesh, Sr. DOM/PGT.

3. The learned counsel appearing for the petitioner has no objection for the same.

4. The learned counsel appearing for the respondents has submitted that there are certain claims, which do not fall under the jurisdiction of the Arbitrators, as the petitioner has already accepted the payments made in respect of the same. By way of reply, the learned

counsel for the petitioner submitted that the said contention has not been raised earlier. These are the matters, which will have to be decided by the learned Arbitrators as they would come within the factual disputes between the parties. Considering the same, this Court appoints (1) Shri S.Jayakrishnan, Sr.DEE/TRD/PGT; (2) Shri C.C.Joy, Sr.DME/PGT; and (3) Shri V.C.Sudeesh, Sr. DOM/PGT as Arbitrators to go into the claims made by the petitioner as against the respondents to resolve the dispute between the parties, after issuing notice to the parties and upon hearing them. The arbitrators shall pass an award as expeditiously as possible, preferably within a period of six months from the date of receipt of the order. The learned Arbitrators are at liberty to fix the remuneration and other incidental expenses, which shall be borne by the parties equally. Accordingly, it is made clear that all the issues are left open to be decided by the learned Arbitrators, including the issue as to whether some of the claims made by the petitioner are satisfied by the respondents or not.

4. The original petition is, accordingly, allowed, leaving the parties to bear their own costs.

**27.03.2015**

**M.M.SUNDRESH,J.**

raa

**O.P.No.806 of 2013**

**27.03.2015**