

In the High Court of Judicature at Madras

Dated : 15.04.2016

Coram :

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

O.P.No.1000 of 2015

Yeses Infrastructure Private Limited
by its Managing Director
having office at
6-2-918/3/10, Siva Sai Nilayam,
Opp. to State Bank of India,
Khairatabad,
Hyderabad-500 004.

.. Petitioner

-VS-

The Chief Engineer,
Life Insurance Corporation of India,
Southern Zonal Office,
153, Anna Salai,
Chennai-600 012.

.. Respondent

Petition filed under Sections 11 of the Arbitration and Conciliation Act, 1996, to appoint a sole arbitrator to decide the disputes arisen between the parties under the contract dated 09.10.2007.

For Petitioner : Mr.G.S.Shivakumar

For Respondent : Mr.Manoj Sreevatsan

* * * * *

ORDER

On perusal of the pleadings, it transpires that *prima facie*, there is no justifiable reason why the petitioner should be silent for

three years after the last payment was made by the respondent. The respondent raised the plea of limitation. The learned counsel for the petitioner is not able to give any satisfactory answer, as there is no material on record in respect thereof.

2. It is, however, cannot be disputed that even the same has to be determined by the Arbitrator. But in view of the delay on the part of the petitioner, I am of the view that the costs of the arbitration should initially be borne by the petitioner both on their behalf and on behalf of the respondent with liberty to the respondent to raise all the pleas, including the plea of limitation as may be admissible before the Arbitrator.

3. I, thus, as prayed for by the learned counsel for parties, appoint **Mr.Justice K.Chandru**, a retired Judge of this Court as the Sole Arbitrator, to enter upon reference and adjudicate the disputes *inter se* the parties. The arbitration proceedings will be conducted under the ageis 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.)
15.04.2016

bbr

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.

The Hon'ble Chief Justice

bbr

O.P.No.1000 of 2015

15.04.2016