

In the High Court of Judicature at Madras

Dated : 01.02.2016

Coram :

The Hon'ble Mr. Justice M.M.Sundresh

O.P.No.1003 of 2015

M/s K.S.Mani Electricals,
Rep., by its Sole Proprietor K.Subramaniyan,
Electrical Engineer & 'A' Grade Contractor,
No.50, Third Cross Street, Velmurugan Nagar,
Kuyavarpalayam, Puducherry-605 009.

.. Petitioner

-vs-

1.The Chief Engineer,
Public Works Department,
Puducherry-605001.

2.The Superintending Engineer,
Circle-II, Public Works Department,
Puducherry-605 001.

3.The Executive Engineer,
Mahe Division, Public Works Department,
Mahe.

.. Respondents

Petition filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 read with Clause 3(1)(b) of the Scheme for appointment of Arbitrator 1996, to appoint an independent sole arbitrator to adjudicate upon the claims of the petitioner as the Arbitration application submitted by the petitioner to the Chief Engineer- the 1st respondent herein dated 20.01.2015 as per the Agreement No.114/M/2011-12 dated

04.01.2012 and as per Clause 25 of the General Conditions of the Contract Agreement for Public Works.

For Petitioner : Mr.N.Thiagarajan

For Respondents : Mr.M.Govindarajan,
Government pleader

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ORDER

When the matter is taken up for hearing, the learned counsel appearing for the petitioner produced a letter dated 28.12.2015, which reads as follows:

“Whereas M/s K.S.Mani Electricals, No.50, IIIrd Cross Street, Velmurugan Nagar, Kuyavarpalayam, Puducherry-605 013, has requested vide his letter No.Nil dt.20.01.2015 for appointment of Arbitrator and the letter dated 20.08.2015 seeking direction to appoint Arbitrator for the said work to sort-out disputes have arisen on the above said agreement, I, P.Swaminathan, Chief Engineer, Public Works Department, Puducherry, by powers conferred on me under Clause 25 of the said Agreement hereby appoint Shri K.Balakrishnan, Chief Engineer (Retd.) as Sole Arbitrator to decide and make his award regarding the claims/disputes by the contractor, if any, as shown in the statements enclosed subject

always, however, to their admissibility under Clause 25 of the aforesaid agreement.

The amount of the claim(s) in dispute being above Rs.1,00,000/- the Arbitrator shall give reasons for the award.”

2. In view of the same, nothing survives for further orders in this petition. The learned counsel appearing for the petitioner submitted that it may be clarified that the venue will be at Pondicherry, for which, the learned Government Pleader appearing for the respondents submitted that the venue would be intimated to the petitioner in due course.

3. The Original Petition stands disposed of accordingly.

01.02.2016

Index : Yes/No
Internet : Yes/No
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M.M.SUNDRESH,J.

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