

In the High Court of Judicature at Madras

Dated : 24.06.2016

Coram :

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

O.P.No.307 of 2016

A.Radhakrishnan ... Petitioner

-vs-

- 1.The General Manager,
Southern Railway Headquarters Office,
Park Town, Chennai-600 003.
- 2.C.Hamza,
Presiding Arbitrator,
Financial Advisor and Chief Accounts Officer,
Southern Railway Headquarters Office,
Park Town, Chennai-3.
- 3.S.K.Agarwal,
Arbitrator,
CETE/MAS,
Southern Railway Headquarters Office,
Park Town, Chennai-3.
- 4.T.M.Sridhar,
Arbitrator,
CSTE, Pro and Plg/MAS,
Southern Railway Headquarters Office,
Park Town, Chennai-3. .. Respondents

Petition filed under Section 14 (1) read with Section 11 (6) of the Arbitration and Conciliation Act, 1996, to appoint a fit person as a Sole Arbitrator for resolving the disputes arising under the contract No.09/Dy.CE/CN/TBM/2009 dated 23.1.2009 by terminating the mandate of the arbitral tribunal consisting of Mr.C.Hamsa, Mr.S.K.Agarwal and Mr.T.M.Sridhar, respondents 2 to 4.

For Petitioner : Mr.S.Ramesh

For Respondents : Mr.P.T.Ramkumar for R1

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O R D E R

Mr.P.T.Ramkumar, learned counsel has entered appearance for the first respondent and cannot seriously dispute that in view of the earlier order dated 11.09.2015 in O.P.No.454 of 2015, coupled with the failure of the Arbitral Tribunal to conclude the proceedings within six months, this Court is left with no option but to appoint an Arbitrator. In fact, the proceedings have not even commenced. Thus, the Arbitrator has to be appointed by this Court.

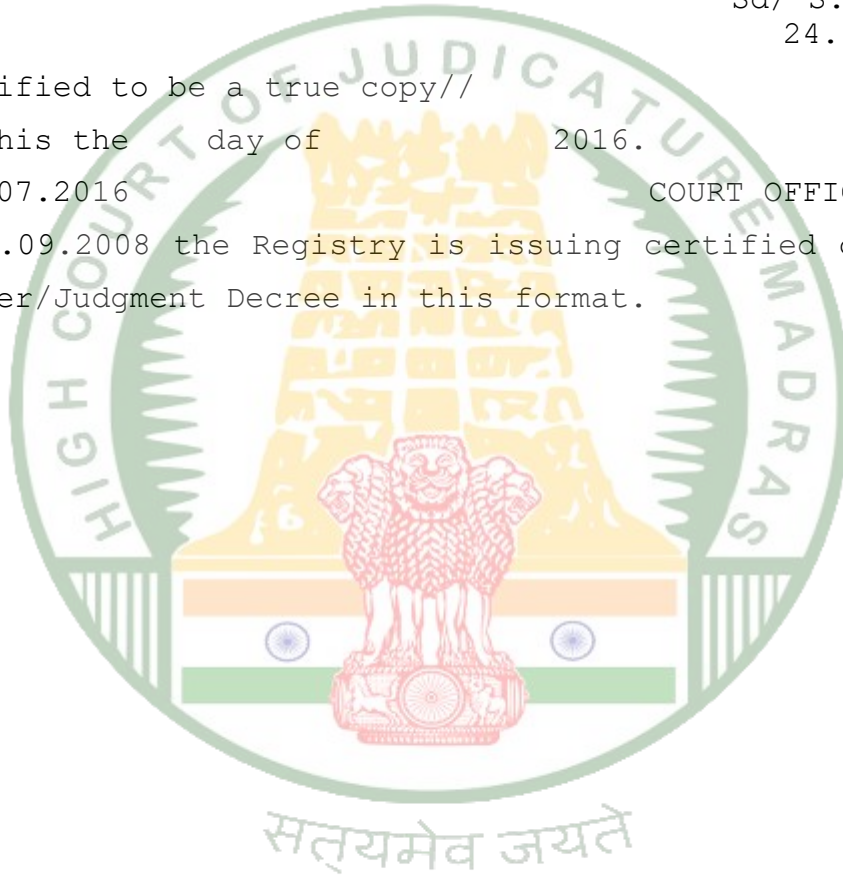
2. I, therefore, by consent, appoint Mr.L.Yousuf Ali, a retired Judicial Officer, No.63, Kandigai Road, Korattur North, Chennai-600 076 (Mobile No.9445388410) as the Sole Arbitrator, to enter upon the reference and adjudicate the disputes *inter se* the parties. The arbitration proceedings will be conducted under the aegis of the Madras High Court

Arbitration Centre and the parties will be governed by the Rules of the Centre.

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

Sd/-S.K.K., CJ.
24.06.2016

//Certified to be a true copy//
Dated this the day of 2016.
S.s/22.07.2016 COURT OFFICER
From 25.09.2008 the Registry is issuing certified copies of
the Order/Judgment Decree in this format.



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