

In the High Court of Judicature at Madras

Dated : 09.09.2016

Coram :

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

O.P.No.414 of 2016

M/s.Dharani Hi-Tech Projects (P) Ltd.,
Railway Contractors,
No.28, Annavasal Street,
Mannargudi-614 001,
Tiruvarur District,
Tamilnadu,
rep. by its Managing Director.

.. Petitioner

-VS-

The General Manager,
Southern Railway,
Head Quarters Office,
Park Town,
Chennai-600 003.

.. Respondent

Petition filed under Section 11 read with Section 12(5) of the Arbitration and Conciliation Act, 1996, to appoint an independent Arbitrator to hear and decide the disputes between the petitioner and the respondent arising out of the Agreement No.117/HQ/Dy.CE/GC/II/TPJ dated 21.11.2011 as set out under the details of Claims in Para No.16 of this petition.

For Petitioner : Ms.K.Aparna Devi

For Respondents : Mr.V.G.Suresh Kumar

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ORDER

On hearing the learned counsel for parties, it transpires that admittedly the proposal of the respondent for appointment of arbitrator panel did not take place within the requisite time. But more than that is the issue is of serving Officers acting as an Arbitrator. In this behalf, the learned counsel for the respondent states that as yet, the Railway Board has not been able to draw up a panel keeping in mind the amendment to the provisions of the Arbitration and Conciliation Act, 1996.

2. In view of the aforesaid, it is proposed that a retired High Court Judge may be appointed as the Sole Arbitrator.

3. I, thus, by consent appoint Mr.K.Venkataraman, a retired Judge of this Court 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.

4. The Original Petition is, accordingly, allowed, leaving the parties to bear their own costs.

(S.K.K., CJ.)
09.09.2016

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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

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