

In the High Court of Judicature at Madras

Dated : 04.11.2016

Coram :

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

O.P.No.610 of 2016

Eshwarnath Constructions
Engineers & Builders,
"Jai Vignesh Building",
28, Perambur High Road,
Chennai 600 012.

.. Petitioner

-VS-

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

.. Respondent

Petition filed under Section 11 (6) of the Arbitration and Conciliation Act, 1996, read with Section 12 (5) of the Arbitration and Conciliation (Amendment) Act, 2015, to appoint an independent Arbitrator to hear and decide the disputes between the petitioner and the respondent arising out of the agreement No: MTP/CIVIL/472/11 dated 05.08.2011 as set out under details of claims in Para No:15 of the petition.

For Petitioner : Mr.Srenik.S.Jain
for M/s.P.Subba Reddy

For Respondents : Mr.V.G.Suresh Kumar

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O R D E R

Learned counsel for the respondent states that in view of the amendment to the Arbitration and Conciliation Act, 1996, the appointment as per the original arbitration clause cannot be made in view of non-acceptance by the petitioner. Thus, appointment of arbitrator is sought through the Court.

2.Learned counsel for parties agree that Mr.Justice S.Rajeswaran be appointed as the Sole Arbitrator to enter upon reference and adjudicate the disputes inter se the parties and that the arbitration proceedings take place under the aegis of the Madras High Court Arbitration Centre.

3.I, thus, appoint **Mr.Justice S.Rajeswaran, a retired Judge of this Court,** as the Sole Arbitrator to enter upon the reference and adjudicate the disputes inter se the parties. As requested, 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.)
04.11.2016

sra

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

(sra)

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