

In the High Court of Judicature at Madras

Dated : 15.12.2016

Coram :

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

O.P.No.809 of 2016

M/s.A.S.Cargo Movers Private Limited,
rep. by its Authorised Signatory B.Balaji,
New No.173, Old No.103,
9th Floor, Block 'B', Navin's Presidium,
Nelson Manickam Road, Aminjikarai,
Chennai-600 029.

.. Petitioner

-VS-

1.The Secretary to Government,
Industries Department,
Government of Tamil Nadu,
Fort St. George,
Chennai-600 009.

2.State Industries Promotion Corporation
of Tamil Nadu Limited,
rep. by its Managing Director,
19-A, Rukamani Lakshmipathy Road,
Egmore, Chennai-600 008.

.. Respondent

Petition filed under Section 11 (5) (b) of the Arbitration and Conciliation Act, 1996, to appoint an arbitrator from the panel as the sole arbitrator to resolve the dispute in accordance with the terms of the allotment order dated 16.04.2008 and the registered lease deed dated 17.07.2008 in regard to the liability or otherwise of the petitioner in regard to the demand notice dated 27.6.2014 issued by the second respondent.

For Petitioner : Mr.K.Chandrasekaran

For Respondent : Mr.T.N.Rajagopalan
Spl. Government Pleader

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ORDER

The learned counsel for parties do not dispute that the arbitration is governed by the arbitration Clause 35, which reads as under:-

"35.During the currency of the lease, any question of dispute or difference in relation to or in connection with the terms of the lease deed shall not be raised by the Party of the Second Part and, if at all raised such question of dispute or difference shall be referred to an Arbitrator appointed by Government of Tamil Nadu."

2. It is also true that the Government of Tamil Nadu failed to appoint the Arbitrator.

3. In view of the aforesaid, it is agreed that the disputes *inter se* the petitioner and respondent No.2 be referred to the Sole Arbitrator and the arbitration proceedings be governed by the Madras High Court Arbitration Centre.

4. I, thus, appoint, Mr.Justice K.Chandru, a retired Judge of this Court, as the Sole Arbitrator to enter upon the reference and adjudicate the disputes *inter se* the petitioner and respondent No.2. 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.

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

(S.K.K., CJ.)
15.12.2016

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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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<http://www.judis.nic.in>