THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

ARBITRATION APPLICATION No.146 OF 2015

ORDER:

This application, is filed under Section 11(4) of the Arbitration and Conciliation Act, seeking appointment of a sole arbitrator for resolving the disputes between the applicant and the respondent in connection with agreement No.ECIL/CND/LT/7618 dated 08.04.2008. Clause 7.0 of the said agreement relates to dispute resolution and 7.1.0 to settlement of disputes by arbitration. Clause 7.1.1 stipulates that, except where otherwise provided in the contract, any question, dispute or difference that shall arise between the corporation and the contractor as to the construction, whether arising during the progress of work or within six months of completion or abandonment or termination thereof, then every such question, dispute or difference shall be referred to a sole arbitrator to be appointed by the parties by mutual consent within one month from the date of notice of either party requiring an arbitrator to be appointed for resolving such disputes; and the award of such arbitrator shall be final and binding upon the parties.

The applicant issued a notice on 02.09.2013 requesting the respondent to release the amount of the 18th RA bill, together with the 19th RA (Pre-final) and final bill. Thereafter, by their letter dated 21.10.2015, the applicant requested the respondent to appoint an arbitrator. On the ground that no reply was forthcoming from the respondent, the applicant has invoked jurisdiction of this Court. Sri D. Srinivas, Learned Counsel for the respondent, admits that the respondent did not reply to the notice issued by the petitioner. While

admitting the existence of the arbitration clause in the agreement, and that there is an arbitrable dispute in existence, Learned Counsel fairly states that an arbitrator may be appointed by this Court.

As both Sri M. Sudheer Kumar, Learned Counsel for the applicant, and Sri D. Srinivas, Learned Counsel for the respondents, request that Justice C.V. Ramulu, a retired judge of this Court be appointed as the sole arbitrator, I consider it appropriate to appoint Hon'ble Sri Justice C.V. Ramulu as the sole arbitrator. The Learned Arbitrator shall fix his remuneration, and the incidental expenses for arbitration proceedings, in consultation with the parties. The Learned Arbitrator is requested to complete arbitration proceedings, and pass an award at the earliest, preferably within six months from the date of commencement of arbitral proceedings. The Learned Arbitrator is also requested, to the extent possible, to hold sittings in the mediation centre of the High Court.

The arbitration application is disposed of accordingly. No costs.

RAMESH RANGANATHAN, ACJ

Date: 11.11.2016

Note: Issue copy by one week.
B/o
MRKR