

IN THE HIGH COURT OF JUDICATURE AT MADRAS**DATED: 16.06.2017****CORAM****THE HONOURABLE DR. JUSTICE ANITA SUMANTH****O.P.NO.235 OF 2017**

M.R. Anandan
Proprietor
M/s Hi-Tech Diesel Services,
No.21, Melapadugai,
Nalalthur Post,
Nedungadu Commune Panchayat,
Karaikal Petitioner

Vs

Southern Railways,
represented by its General Manager,
G.M. Office, General Branch 1st Floor,
NGO Main Building,
Park Town, Chennai 600 003 Respondent

Original Petition filed under Section 11(6) of the
Arbitration and Conciliation Act, 1996 for appointment of Arbitrator
to arbitrate upon the disputes between the petitioner and the
respondent.

for Petitioner : Mr. N.V. Prasanna
for M/s.Sai, Bharath and Ilan

for Respondent : Mr.P.T.Ramkumar
Standing Counsel for Railways

ORDER

This Original Petition is filed seeking an appointment of Arbitrator in terms of Section 11 of the Arbitration and Conciliation Act 1996 to resolve the disputes arising between the parties pursuant to contract (letter of acceptance) dated 18.3.2015 for the purpose of annual maintenance of diesel run Generator set in signaling Department in TPJ Division.

2. Article 39-2 of the Contract between parties provides for Arbitration by a sole Arbitrator of the rank of General Manager or Railway Gazetted Officer not below the grade of JA to be nominated by the General Manager.

3. Upon consent of parties and in accordance with clause 39.4.1 of Contract dated 18.3.2015, the General Manager of the Southern Railways shall nominate an Arbitrator, who shall enter reference upon the matter and adjudicate upon the disputes, inter se the parties. The nomination of the Arbitrator by the General Manager shall be made within a period of two weeks from the date of receipt of a copy of this order. The proceedings for arbitration shall be conducted expeditiously and the Arbitrator is at liberty to fix his remuneration and schedule of expenses.

4. The Original Petition is accordingly allowed in the above terms. No costs.

Index:Yes/No
msr

16.06.2017



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DR.ANITA SUMANTH, J.



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