

IN THE HIGH COURT OF JUDICATURE AT MADRAS**DATED 11.07.2017****CORAM****THE HONOURABLE DR.JUSTICE ANITA SUMANTH****O.P. No.136 of 2017**

M/s.M.R.C & K.R. (JV),
Represented by its Lead Partner Mr.M.R.Chandrasekaran ..
Petitioner

-vs-

- 1.The Union of India,
Represented by the General Manager,
Southern Railway, Park Town, Chennai – 3.
 2. The Chief Engineer/Construction,
Office of the Chief Administrative Officer (Construction),
Southern Railway, Egmore, Chennai – 8.
 3. The Deputy Chief Engineer,
Gauge Conversion-II, Southern Railway,
Tiruchirapalli.
 4. Mr.Selvaraj (Presiding Arbitrator),
Financial Advisor & Chief Accounts Officer,
General/Headquarters Office, Southern Railway,
Chennai – 3.
 5. Mrs. Sunanda Arul (Arbitrator),
Additional Divisional Railway Manager,
South Western Railway, Bangalore-1.
 6. Mr.P.Mahesh (Arbitrator),
Additional Divisional Railway Manager,
Trivandrum Division, Southern Railway,
Trivandrum ..
- Respondents

Prayer: Petition filed under Sections 14 and 15 R/W-11 of the Arbitration & Conciliation Act, 1996 to terminate the mandate of the Arbitrators (i.e. the respondents 4 to 6) and appoint an independent Arbitrator to arbitrate all the claims arising out of the Contract in the Letter of Acceptance No: W/496/TTN/274/CN (7391) dated 18/10/2010 and direct the respondents to pay the cost of the Petition.

For Petitioner : Mr.Amalaraj S.Penikilapatti

For Respondents : Mr.P.T.Ramkumar

ORDER

This petition seeks appointment of a Sole Arbitrator to resolve the disputes between the petitioner and respondent.

2. Neither learned counsel would dispute either the clause for Arbitration or the existence of disputes inter se and would suggest the appointment of a Sole Arbitrator in accordance with Article 64(2)(a)(i) of the Agreement between parties.

3. By consent, I, thus, appoint Mr.Justice M.Jaichandren, retired Judge of this Court, No.422, South II Main Road, Sri Kabaleeshwarar Nagar,Neelangarai,Chennai-600 115, as the Sole Arbitrator to enter uponreference and adjudicate the disputes inter se the parties.

The learned Arbitrator may, after issuing notice to the parties and upon hearing them, pass an award preferably within a period of six months from the date of receipt of this order. The learned Arbitrator is at liberty to fix his remuneration and other incidental expenses. The proceedings may be conducted under the aegis of the Madras High Court Arbitration Centre and in accordance with the Madras High Court Arbitration Rules.

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

msv

11.07.2017

सत्यमेव जयते

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Dr.ANITA SUMANTH,J.

msv



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