

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 16.06.2017

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

O.P.No. 152 of 2017

G.A. Projects Pvt. Ltd.,
No.3,K.H. Road,
Ennore,
Chennai 600 057

..Petitioner

Vs

Kamarajar Port Ltd.,
4th Floor, Super Speciality
Diabetic Centre,
Rajaji Salai,
Chennai 600 001.

.. Respondent

Prayer: Petition filed under section 11 of the Arbitration and Conciliation Act, 1996 praying for appointment of an arbitrator on behalf of the respondent, to confirm the arbitrator or any other suitable person as the arbitrator from the petitioner's side and to direct the two arbitrators to appoint the third arbitrator and proceed with the arbitration in respect of the disputes arising under the Contract No.38 of 2015 dated 27.10.2015 designated as the "Development of Vehicle Parking Bays near West Gate at Kamarajar Port".

For Petitioner: Mr. A.J.Jawad

For Respondent: Mr.T. Arunah, Addl. CGSC

ORDER

This petition, filed in terms of section 11(6) of the Arbitration and Conciliation Act 1996 (in short, Act), prays for the appointment of a panel of Arbitrators, one on behalf of the respondent, one on behalf of the petitioner and thereafter a direction to the two arbitrators to appoint an umpire to proceed with the arbitration to resolve disputes arising inter se the parties arising from Contract No.38/2015 dated 27.10.2015 under the name and style of 'Development of vehicle parking' bays near West Gate at Kamarajar Port'.

2. Disputes arose between the parties and the petitioner herein invoked the clause for Dispute resolution which is at clause 49.1 of the General Conditions of Contract and provides for the settlement of disputes by a panel comprising three arbitrators.

3. The petitioner invoked the clause for arbitration vide letter dated 14.11.2016, to which a reply was sent dated 28.11.2016. There is no dispute on the position that the arbitration clause would be invocable in the present case. There is also agreement between the parties to the effect that the dispute are liable to be referred to arbitration.

4. Both Learned counsel, Mr.A.J.Jawad appearing on behalf of the petitioner and Mr. Mr.T. Arunan, Addl. Central Government Standing Counsel

for the respondent would agree on the appointment of the arbitral panel in terms of clause 49.1 of the General Conditions of Contract. Accordingly, the petitioner nominates Hon'ble Mr. Justice K. Govindarajan, Former Judge of this Court on his behalf. The respondent nominates Dr. R. Rajagopalan, IPS on its behalf.

5. This petition is thus ordered appointing Hon'ble Mr. Justice K. Govindaraj as the nominated Arbitrator of the petitioner and Dr. R. Rajagopalan, I.P.S., as the nominated Arbitrator of the respondent. The aforesaid two arbitrators will appoint the Umpire and the Arbitral Panel will enter reference upon and adjudicate upon the disputes arising out of the Contract between the parties dated No.38 of 2015 dated 27.10.2015.

6. The Arbitral Panel is free to fix their remuneration and their schedule of expenses to be borne equally by both parties. The proceedings for Arbitration may be commenced within a period of four weeks from the date of receipt of a copy of this order and may be concluded as expeditiously as possible and within a period of six months from the date of first sitting of the Tribunal. The proceedings may be conducted under the aegis of the Madras High Court Arbitration Centre bound by the rules of the Centre.

DR. ANITA SUMANTH,J.

msr

7. The petition is ordered in the aforesaid terms leaving the parties to bear their own costs.

16.06.2017

Index:Yes/No

Speaking order/non speaking order

msr



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