

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 31.07.2017

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

O.P.NO.189 OF 2017

M/s. JMC Projects (India) Ltd.,
a company incorporated under the
Companies Act, 1956,
having its Corporate Office at:
"Kalpataru Synergy", Opp.Grand Hyatt,
Santacruz (East), Mumbai 400 055,
represented by its Authorised Signatory
Mr.Vaibhav Kapoor,
Son of Sh.Anand Prakash Kapoor,
R/o.1-502, Palcia, Hiranandani Estate,
Ghodbundar Road, Thane West,
District Thane, Maharashtra 400 615.

Petitioner

Vs

M/s.Cethar Constructions Ltd.,
a company incorporated under the
Companies Act, 1956, having its
Corporate Office at No.4, Dindigul
Road, Tiruchirappalli – 620 001 and
registered Office address at
6A, Lawsons Road,
GVR Complex 3rd Floor Cantonment,
Tiruchirappalli 620 001,
represented by its Chairman/Managing Director
for the time being.

Respondents

Petition filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 praying to appoint an independent nominee arbitrator on behalf of the respondent and to direct the respondent to bear the costs of this application.

For Petitioner : Mrs. Chitra Sampath, Senior Counsel
For Respondents: Mr. P.J.Rishikesh

ORDER

This original petition is filed praying for appointment of an Arbitrator to adjudicate upon disputes between the parties arising out of a Jobbing Order for the construction of Civil Works in the Power Block and coal storage/Handling Plant Packages for the 4 x 300 MW, SKS Power Generation Chattisgarh Limited Project dated 22.11.2012.

2. Heard Mrs. Chitra Sampath, learned Senior Counsel for Mr. Vamsidhar, learned counsel on behalf of the petitioner and Mr.P.J. Rishikesh, learned counsel appearing for the respondents.

3. Though initially, a dispute was raised on the applicability of the clause for arbitration, after prolonged hearing, the parties would agree upon both the factum of disputes pending inter se as well as on the clause for dispute resolution, being clause 39 of the Agreement, dated 22.11.2012.

4. Clause 39 provides for a panel of arbitrators to adjudicate upon the disputes. The parties however consent to the appointment of a sole arbitrator in place of an Arbitral Tribunal.

5. By consent, learned counsel suggest the appointment of

Justice K.P.Sivasubramanian, Retired Judge, High Court, Madras as sole Arbitrator to adjudicate upon the disputes interse the parties.

6. I, thus, appoint Justice.K.P. Sivasubramanian, Retired Judge of this Court, having his office at No.47, Pulla Avenue, Shenoy Nagar, Chennai 600 030, (Phone 9444701312), as the Sole Arbitrator, to enter upon reference and adjudicate upon disputes between the parties arising out of Jobbing Order dated 22.11.2012. He may, after issuing notice to the parties and upon hearing them, endeavour to pass an award as expeditiously as possible, 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.

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

31.07.2017

Speaking Order/non-speaking order

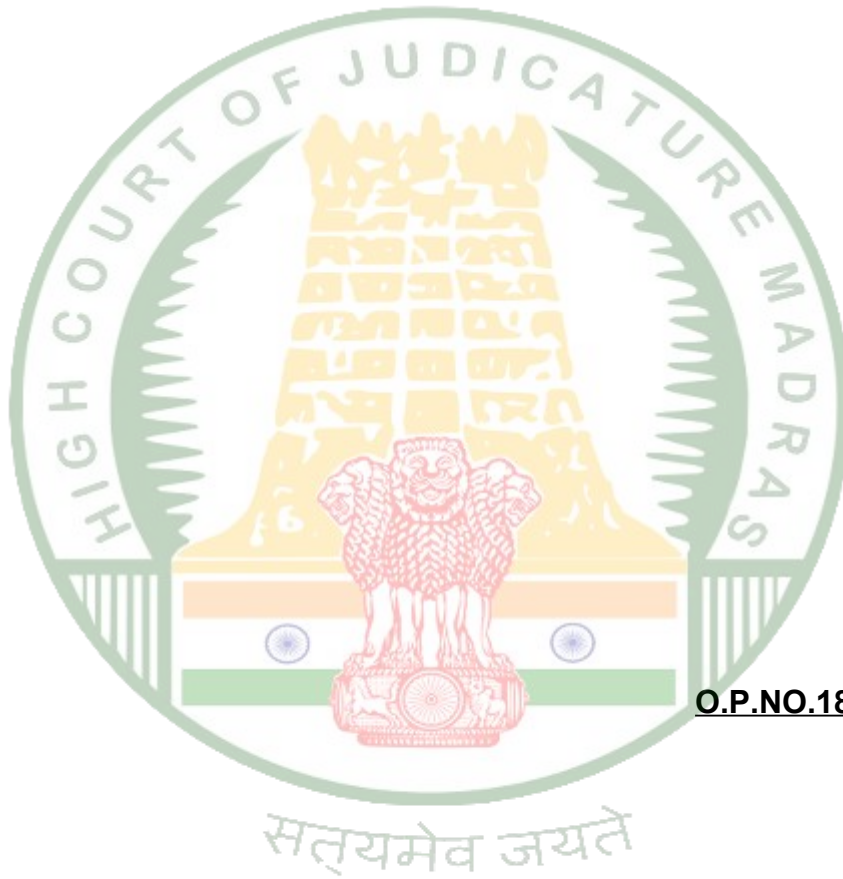
Index:yes/No

msr

WEB COPY

DR. ANITA SUMANTH, J.

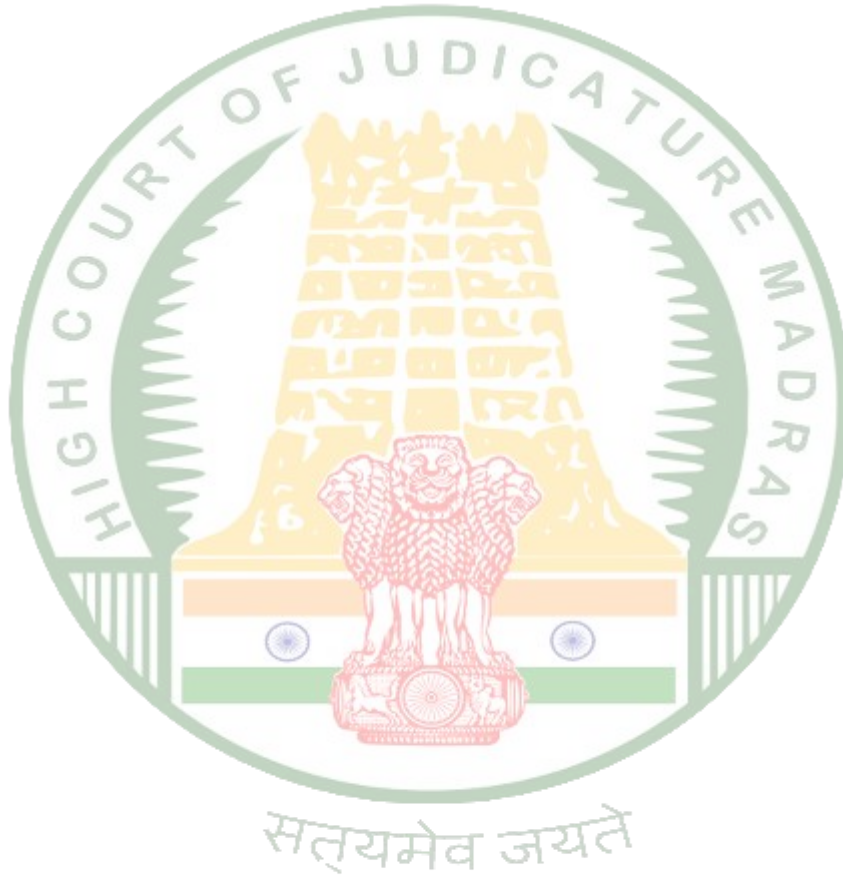
msr



O.P.NO.189 OF 2017

WEB COPY

31.07.2017



WEB COPY