

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 24.08.2017

CORAM

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

O.P.No.275 of 2017

Y.Chinna Reddy
rep. by its Managing Partner Mr.Y.Chinna Reddy,
Door No.27/2/1846, 8th Street,
Ramji Nagar, Near Children's Park,
Nellore, Andhrapradesh - 524 002 .. Petitioner

-vs-

- 1.The Union of India,
rep. by the General Manger,
Southern Railway, Park Town,
Chennai - 3
2. The Chief Engineer (Construction)
Construction Branch, Southern Railway,
Egmore, Chennai - 8
3. The Deputy Chief Engineer (MAS/Construction-I)
Southern Railway, My Lady's Garden,
Chennai - 3. .. Respondents

Prayer: Original Petition filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 to appoint an independent arbitrator to arbitrate all the claims and disputes between the petitioner and the respondents arising out of the Agreement No.20/DY.CE/CN/MAS/2010 dated 26.03.2010 and direct the respondents to pay the cost of the petition.

For Petitioner : Mr.Amalaraj S.Penikilapatti

For Respondents : Mr.P.T.Ramkumar

DR.ANITA SUMANTH,J.

ORDER

This petition is filed in terms of Section 11(6) of the Arbitration and Conciliation Act praying for a resolution of disputes that arise out of Agreement No.20/DY.CE/CN/MAS/2010 dated 26.03.2010.

2.Mr.Amalaraj S.Penikilapatti, learned counsel for the petitioner would admit to the position that this petition has been filed pre-maturely in the light of Clause 64(3)(a)(i) of the Agreement between parties. The request for arbitration dated 24.02.2017 has been received by the respondent on 27.02.2017. The appointment is to be made on or before 27.04.2014. However, the present petition has been presented on 28.03.2017 itself.

3.Mr.Ramkumar, learned counsel for Railways would undertake, on behalf of the respondent to initiate the process of appointment of Arbitrator.

4.Let the entire process of appointment be completed within a period of four weeks from the date of receipt of a copy of this order in terms of Clause 64(3)(a)(ii) and (iii) of the agreement between the parties. This petition is accordingly disposed of. No costs.

24.08.2017

vga

Note: Issue order copy on 29.08.2017

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