

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2017

CORAM

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

O.P. No.281 of 2017

Sri Venkateswara Engineering Corporation
rep. by its Partner R.Krishnamoorthy
Engineering Class I Contractors,
No.112, Diwan Kandappa Nagar Main Road,
Nainar Mandapam,
Puducherry - 605 004.

.. Petitioner

-VS-

1.The Chief Engineer,
Public Works Department,
Puducherry.

2.The Superintending Engineer,
Circle-II, Public Works Department,
Puducherry - 605 001.

3.The Executive Engineer
Special Buildings Division-II,
Public Works Department,
No.14, Eveche Street,
Puducherry.

.. Respondents

Prayer: Petition filed under Section 11(6) of the Arbitration & Conciliation Act, 1996 to appoint an independent Arbitrator to adjudicate upon the claims of the petitioner as the Arbitration application submitted by the petitioner to the Chief Engineer, Public Works Department, Puducherry viz., the 1st respondent herein dated

30.01.2017 as per the Agreement No.13/PW/SBD-II/11-12 dated 01.06.2011 and as per Clause 25 of the General conditions of the Contract for Public Works 1996 and to pay costs.

For Petitioner : Mr.N.Thiagarajan

For Respondents : Mr.C.T.Ramesh, AGP (P)

ORDER

This petition seeks appointment of a Sole Arbitrator to resolve the disputes between the petitioner and respondent that have arisen pursuant to agreement dated 01.06.2011.

2. Heard the counsel appearing for the parties.

3. An Agreement, dated 01.06.2011, was executed *inter se* between the parties and the dispute resolution clause is set out in clause '25' thereof.

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4. When the matter is taken up for hearing today, both learned counsel submitted that the first respondent, the nominating authority as per the agreement between the parties, has appointed Mr.K.Subhas Chandra Bose, B.E., F.I.E., Chief

Engineer (Retd.,) PWD, as the sole Arbitrator to adjudicate upon the disputes arisen between the parties.

5. In the aforesaid circumstances, I am inclined to order the petition and appoint Mr.K.Subhas Chandra Bose, Chief Engineer (Retd.,), No.8, Vallar Salai, Venkata Nagar, Puducherry 605 011, as the Sole Arbitrator to enter upon reference and after issuing notice to the parties and upon hearing them, pass an award as expeditiously as possible, preferably within a period of six months from the date of receipt of the order. The learned Arbitrator is at liberty to fix his remuneration and other incidental expenses, which shall be borne by both the parties equally.

6.The Original Petition is accordingly allowed.

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Dr.ANITA SUMANTH, J.

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