

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2017

CORAM

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

O.P. No.303 of 2017

S.Senthil Kumar

.. Petitioner

-vs-

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

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

3.The Executive Engineer
Buildings and Road (North) Division,
Public Works Department,
Public Works Department,
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.96/PW/BRN/TA/2015-16, dated 05.01.2016 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 05.01.2016.

2. Heard the learned counsel appearing for the parties.

3. An Agreement, dated 05.01.2016, was executed *inter se* between the parties and the dispute resolution clause is set out in clause '25' thereof.

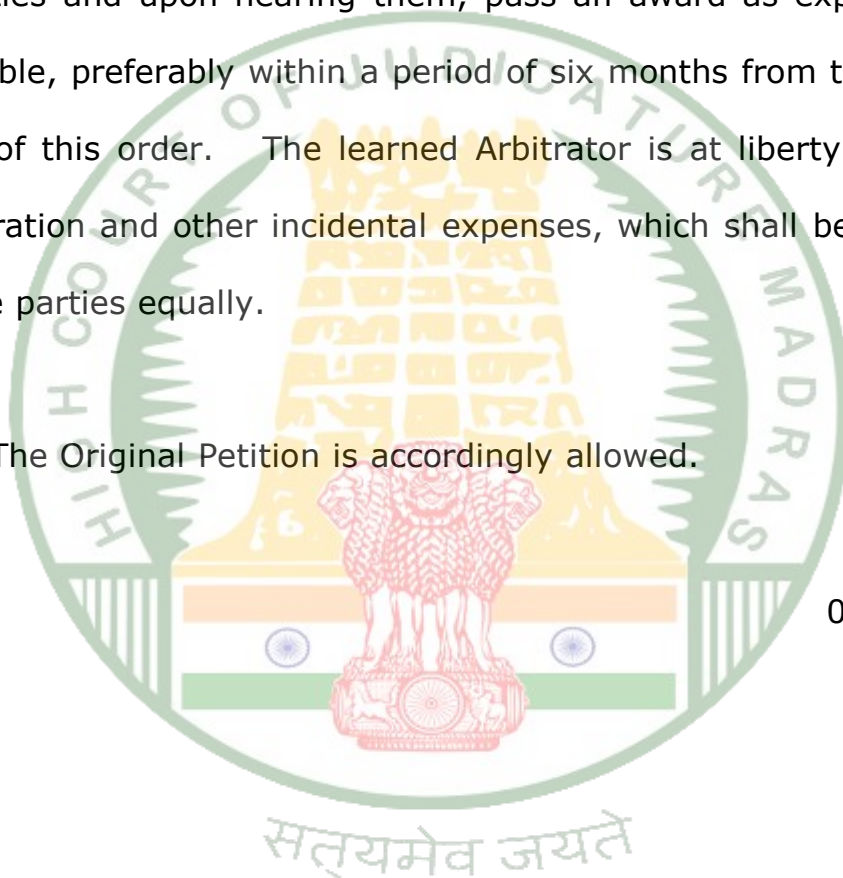
4. Today, when the matter is taken up for hearing, it was submitted by the respondent counsel that the Chief Engineer, Public Works Department has appointed Mr.K.Subhas Chandra Bose, B.E., F.I.E., Chief Engineer (Retd.,) PWD, as the sole Arbitrator to adjudicate upon the disputes *inter se* the parties in terms of the Dispute Resolution clause.

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 this 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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04.07.2017



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Dr.ANITA SUMANTH, J.

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