

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

WEDNESDAY, THE 24TH DAY OF JANUARY 2018

THE HON'BLE DR. JUSTICE ANITA SUMANTH

O.P. No.364 of 2017

and

A. Nos.2967 & 4223 of 2017

O.P. No.364 of 2017 & A. No.2967 of 2017:-

In the matter of the
Arbitration Agreement
dated 28.06.2010 between
Gemini Communication
Limited and BSNL Limited
and

In the matter of the
Arbitration proceedings
bearing No.Nil before
the Sole Arbitrator
Shri.Ravindranath
Prabhakar
and

In the matter of Section
14(2), R/w. Section 15 &
Section 11 of the
Arbitration and
Conciliation Act 1996
(as amended)

Gemini Communication Limited,
rep. by its Managing Director,
No.1, Dr.Ranga Road,
Alwarpet, Chennai-600 018. ... Applicant /
Petitioner/Claimant

-Versus-

1. Bharat Sanchar Nigam Limited,
rep. By its DGM, STP,
No.25, Greenways Lane,
R.A.Puram, Chennai-600 028. ... Respondent /
Respondent
2. Shri Ravindranath Prabhakar,
Sole Arbitrator,
EH3/305, Eldeco Utopia,

Sector 93A, Noida-201 304. ... Respondent /
Arbitrator

O.P. No.364 of 2017:-

Original Petition praying that this Hon'ble Court be pleased to:-

a) terminate the mandate of the 2nd respondent to act as Arbitrator and consequently to appoint a new Arbitrator for the dispute between the parties in the arbitration bearing Number NIL between Gemini Communication Limited and BSNL Limited with regard to Rural WIMAX Project Phase II;

b) to order the cost of the petition.

A. No.2967 of 2017:-

Application praying that this Hon'ble Court be pleased to stay all further proceedings in the arbitration bearing Number NIL between Gemini Communication Limited and BSNL Limited, conducted by learned Arbitrator Shri Ravindranath Prabhakar with regard to Rural WIMAX Project Phase II, pending disposal of the main application.

A. No.4223 of 2017:-

Bharat Sanchar Nigam Limited,
rep. by its DGM, STP,
No.25, Greenways Lane,
R.A.Puram, Chennai-600 028. ... Applicant/Petitioner

-Versus-

1. Gemini Communication Limited,
rep. by its Managing Director,
No.1, Dr.Ranga Road,
Alwarpet, Chennai-600 018.
2. Shri Ravindranath Prabhakar,
Sole Arbitrator,
EH3/305, Eldeco Utopia,
Sector 93A, Noida-201 304. ... Respondents /
Respondents

Application praying that this Hon'ble Court be pleased to pass orders vacating the stay granted on 07.06.2017 in A. No.2967 of 2017 in O.P. No.364 of 2017

and allow the Arbitrator to release the Arbitration Award.

This Original Petition along with these Applications coming on this day before this Court "for being spoken to" today the court made the following order:-

The matter is posted under the caption 'for being spoken to' today. A communication has been received from Mr.Justice Doraiswamy Raju, former Judge of the Supreme Court appointed as Arbitrator in this matter on 15.12.2017 expressing his inability to accept the appointment. The communication is placed on file.

2. In the light of the above, Mr.Justice K.N.Basha, Former Judge of this Court is appointed as Arbitrator and requested to enter reference upon and adjudicate the dispute inter se the parties.

Sd./-A.S.M.J

24/01/2018

//Certified to be true copy//

Dated at Madras this the day of 2018.
JJ 19/02/2018

COURT OFFICER(O.S.)

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