

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 21.07.2017

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

O.P.No. 418 of 2017

M/s. HCL Infosystems Ltd.,
E-4, 5,6, Sector – 11,
Noida,
Uttar Pradesh

..Petitioner

Vs

M/s.Electronics Corporation of
Tamil Nadu,
692, Anna Salai,
Nandanam,
Chennai 600 035

.. Respondent

Prayer: Petition filed under section 11(5) read with 10(1) of the Arbitration and Conciliation Act, 1996 praying to appoint a sole arbitrator as provided under clause 3.35 of the Tender to adjudicate upon the differences and disputes between the parties under the Tender Document dated 20.08.2011 and subsequent Purchase Orders dated 15.2.2012 and 22.01.2013.

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For Petitioner : Mr. Rahul Balaji

For Respondent : Mr. Vijayan for
M/s. King and Patridge

ORDER

This petition is filed seeking appointment of arbitrator to adjudicate upon the disputes arising between the parties out of tender document dated 20.08.2011.

2. There is agreement between the parties on the existence of disputes inter se. However, there was no concurrence between the parties on the person to be nominated as Arbitrator to adjudicate upon the same in terms of Article 3.35 of Agreement dated 20.08.2011.

3. Dehors objections and counter objections raised by both parties in the course of communication inter se, when the matter is called for hearing, today, learned counsel for both sides would agree that the disputes could be adjudicated upon by Mr. Justice N.V.Balasubramanian, former Judge of this Court.

4. In view of the consent expressed, I appoint Mr. Justice Mr. N.V.Balasubramanian, former Judge of this Court, Residency Dhanam, Door No.17/8, V Trust Cross Street, Mandavelipakkam, Chennai -28, (Ph: 9442453399) as the Sole Arbitrator to enter upon reference and adjudicate the disputes inter se the parties emanating from the tender document dated 20.08.2011. The learned Arbitrator may endeavour to conclude proceedings as expeditiously as possible. The learned Arbitrator is at liberty to fix his remuneration and other incidental expenses. The proceedings may be conducted under the aegis of the

Madras High Court Arbitration Centre and in accordance with the Madras High Court Arbitration Rules.

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

Index:Yes/No
Speaking order/non speaking order
msr

21.07.2017

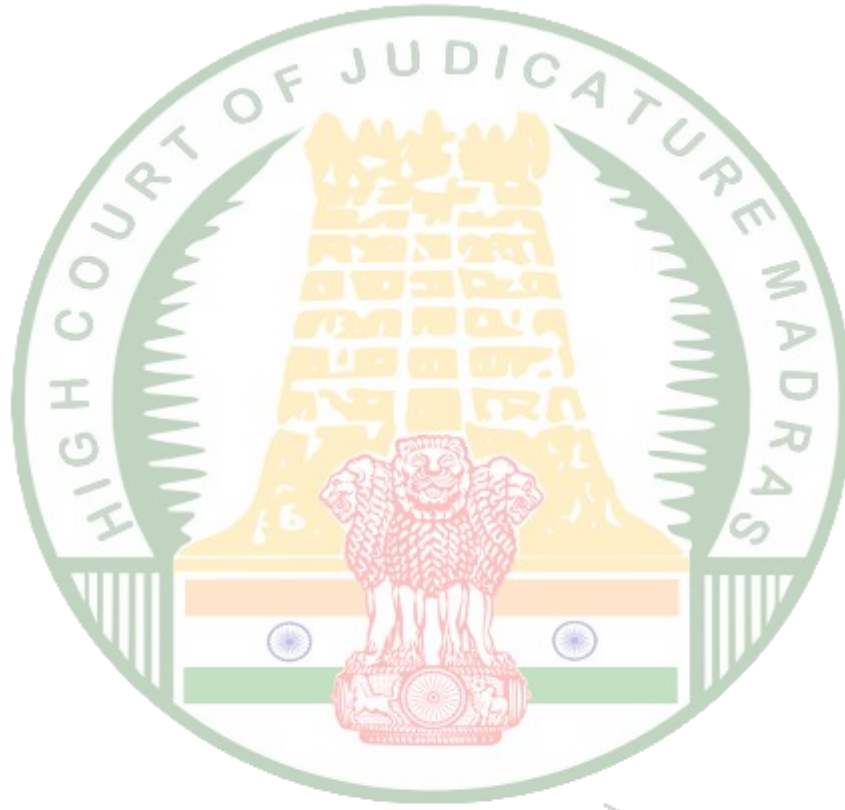


DR. ANITA SUMANTH,J.

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