

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 11.08.2017

CORAM

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

O.P. No.472 of 2017

M/s.M.R.K.R.Railone-(J.V.),
rep. by its Authorised Signatory
B.V.V.Krishna Reddy .. Petitioner

-vs-

- 1.The Chief Engineer/CN/South/MS
Southern Railway, Egmore,
Chennai – 600 008.
- 2.The Deputy Chief Engineer,
Construction/III/Madurai, S.Railway,
Arasaradi, Madurai. .. Respondents

Prayer: Petition filed under Section 11(4) of the Arbitration & Conciliation Act, 1996 to appoint an Independent and Impartial Arbitrator to hear and decide the disputes between the petitioner and the respondents in accordance to the Section 12(5) of the amended Arbitration and Conciliation Act, 1996 arising out of the Agreement dated 26.10.2010 as set out above and to complete the Arbitration Proceedings within the stipulated time decided by this Court and to direct the respondents to pay the cost of this petition.

For Petitioner : Ms.K.Aparna Devi

For Respondents : Mr.P.T.Ramkumar

ORDER

This petition is filed seeking an appointment of Arbitrator to hear and decide the disputes arisen out of agreement dated 26.10.2010 between the petitioner and respondents in respect of the following work:

'Quilon Jn Virudunagar Jn. Gauge conversion Mega tender for earthworks, minor bridges, platform and making limited use sub-way in lieu of LC [No.517@200](#) meter away in RH-II between Edamann Station and Kalthumthy Stations k.m. 709.6 to 692 (L.C.No.517) in connection with gauge conversion between Punalur and Sengottai Station'

2.Learned counsel for the petitioner would point out that O.P. No.32 of 2016 originally filed with a similar prayer as the present petition came to be disposed of as premature on 27.01.2017 with a direction to the Southern Railways to appoint an Arbitrator bearing in mind the amendment to the Arbitration and Conciliation Act, 1996. Till date there have been no steps taken for the appointment of Arbitrator.

3.Both parties would agree that disputes continue to exist between the parties and that the clause for arbitration in agreement dated 26.10.2010 is liable to be invoked.

4. Accordingly and upon consent of parties, Mr. Justice P. Devadass, Retired Judge of this Court, residing at No.10, 'Pasumai Illam', Greenways Road, R.A. Puram, Chennai-600 028, is appointed as the Sole Arbitrator to enter upon reference and adjudicate the disputes inter se the parties. He may, after issuing notice to the parties and upon hearing them, endeavour to pass an award as expeditiously as possible, preferably within a period of six months from the date of the first sitting of the Tribunal. 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.

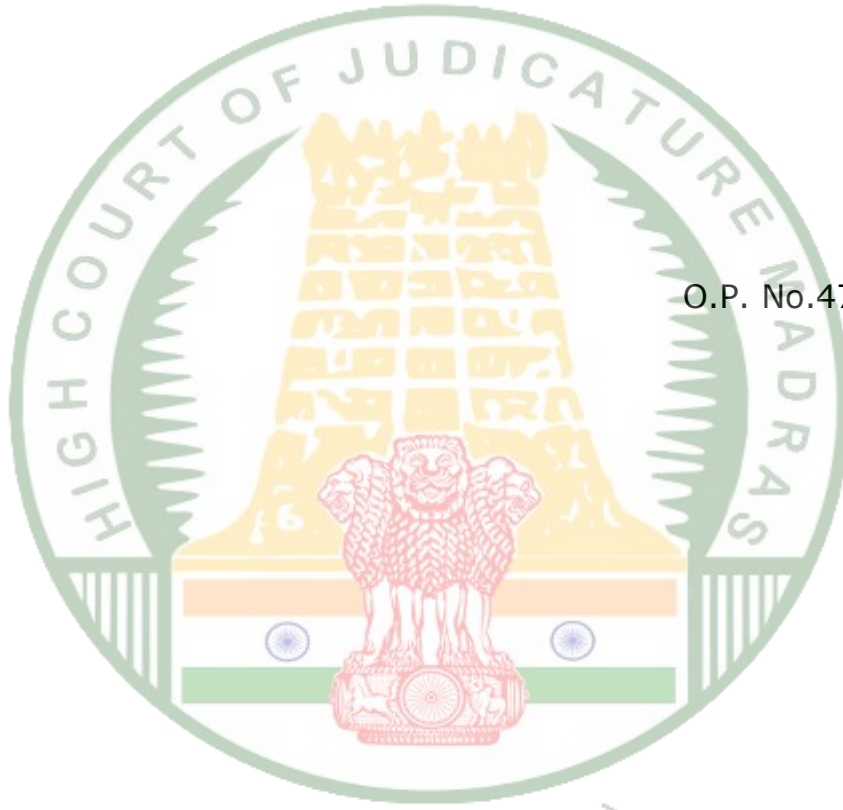
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Dr.ANITA SUMANTH,J.

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