

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 10.10.2017

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THE HONOURABLE DR.JUSTICE ANITA SUMANTH

O.P. No.644 of 2017

M/s.Sathyam Caterers Pvt. Ltd.,
rep. By its Commercial Manager
Mr.Chinnan Raman
No.118/7, 4th Floor, Masjid Road,
Jangpura, Bhopal,
New Delhi – 110 014.

.. Petitioner

-vs-

The Chief Commercial Manager
(Passenger Service & Catering)
Southern Railway, Headquarters Office,
Chennai – 600 003.

.. Respondent

Prayer: Petition filed under Section 11 of the Arbitration & Conciliation Act, 1996 to appoint a Sole Arbitrator to hear and decide the dispute amongst the parties.

For Petitioner : Mr.T.N.C.Kaushik

For Respondent : Mr.P.T.Ramkumar

ORDER

This petition seeks appointment of a Sole Arbitrator to resolve the disputes between the petitioner and respondent arising out of Master Licence Agreement dated 03.2.2015.

2. The petitioner was awarded a licence for on-board catering service in Train No.12007/12008 vide Master Licence Agreement (in short 'Agreement') dated 03.2.2015. On account of various disputes that arose between the parties, Article 20 of the Agreement, providing for Alternate Dispute Resolution, has been invoked. Since there has been no response from Railways, the present petition has been filed.

3. Learned counsel for the petitioner would submit that pursuant to the filing of this petition, the service of the petitioner has been terminated by order dated 02.08.2017.

4. When the matter is called for hearing today, both Mr.T.N.C.Kaushik, learned counsel for the petitioner and Mr.P.T.Ramkumar, learned counsel for the respondent would submit that the parties to the present petition had been parties in O.A.Nos.543 and 544 of 2017, wherein, disputes had been referred to the adjudication of Hon'ble Mr.Justice Rajeswaran, former Judge of this Court. Learned counsel would concur that in view of the identity of the parties as well as the nature of the issues in dispute, the present petition could be ordered by appointing the same Arbitrator as in the earlier matter .

5. In view of the concurrence expressed by both learned counsel and at their suggestion, I appoint Hon'ble Mr.Justice

S.Rajeswaran, former Judge of this Court, residing at No.AA-67, II Street, Near Roundtana Nalli Silk House, Anna Nagar, Chennai – 600 040, as the Sole Arbitrator to enter upon reference and adjudicate all disputes arising inter se the parties from out of Master Licence Agreement dated 03.02.2015. He may, 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.

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

10.10.2017

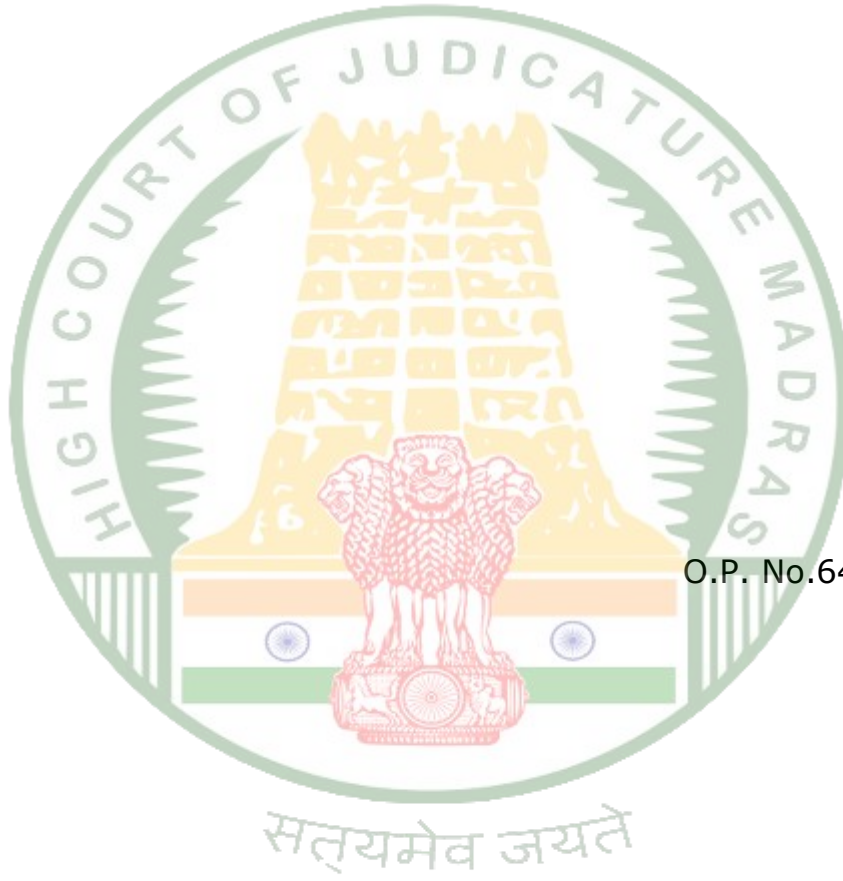
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Dr.ANITA SUMANTH,J.

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