

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 30.10.2017

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

O.P.No.700 of 2012

P.Janakiraman

.... Petitioner

vs.

1. The Commissioner,
Corporation of Chennai,
Ripon Building, Chennai - 600 003.

2. The Superintending Engineer,
Bus Route Roads Department,
Corporation of Chennai,
Ripon Buildings, Chennai - 600 003.

.... Respondents

Petition under Section 11(6) of the Arbitration & Conciliation Act, 1996
to appoint a Sole Arbitrator or any other person to resolve this dispute which
has arisen between the petitioner and the respondents.

For Petitioner : Mr.V.Srikanth

For Respondents: Mr.V.Ayyathurai,

Additional Advocate General

assisted by Mr.G.Ananthrangan

ORDER

This petition is filed praying for the appointment of a Sole Arbitrator to resolve the disputes that have arisen between the parties pursuant to Agreement dated 23.07.2005 for the construction of cement concrete Roads in Chennai Corporation for package 3/1 at Muthamil Nagar, 5th Main Road, Manali Salai and Vaidyanathan Salai in Zone-1.

2. The relevant clause for dispute resolution in the General Conditions of Contract is liable to be invoked in accordance with clause 2.10 thereof that states thus:

'(i) The Superintendent Engineer of the Bus Route Roads Department in case the value of claim upto Rs.50,000/- and

(ii) I/we agree that in case value of claim is Rs.50,001/- and above, the remedy will be through the competent Civil Court only.'

3. A counter has been filed challenging the maintainability of the original petition and to the effect that the clause for resolution of disputes by arbitration would be attracted only where the value of the dispute is below Rs.50,000/- and that in all other cases, the competent Civil Court alone has jurisdiction to deal with the matter.

4. Heard Mr.V.Srikanth, learned counsel appearing for the petitioner and Mr.V.Ayyathurai, learned Advocate General assisted by Mr.G.Anantharangan, learned counsel appearing for the respondents.

5. The parties, would at the outset, concur on the position that the value of the dispute exceeds Rs.50,000/-. Learned counsel for the petitioner only prays that he be permitted to move the Civil Court for redressal of his grievance and for a direction to the Civil Civil Court to entertain the suit once filed without reference to any objection on limitation. No specific direction is required in this regard and the petitioner is at liberty to involve the provisions of Section 14 of the Limitation Act that will be considered by the City Civil Court in accordance with law.

6. This petition is disposed of in the aforesaid terms. No costs.

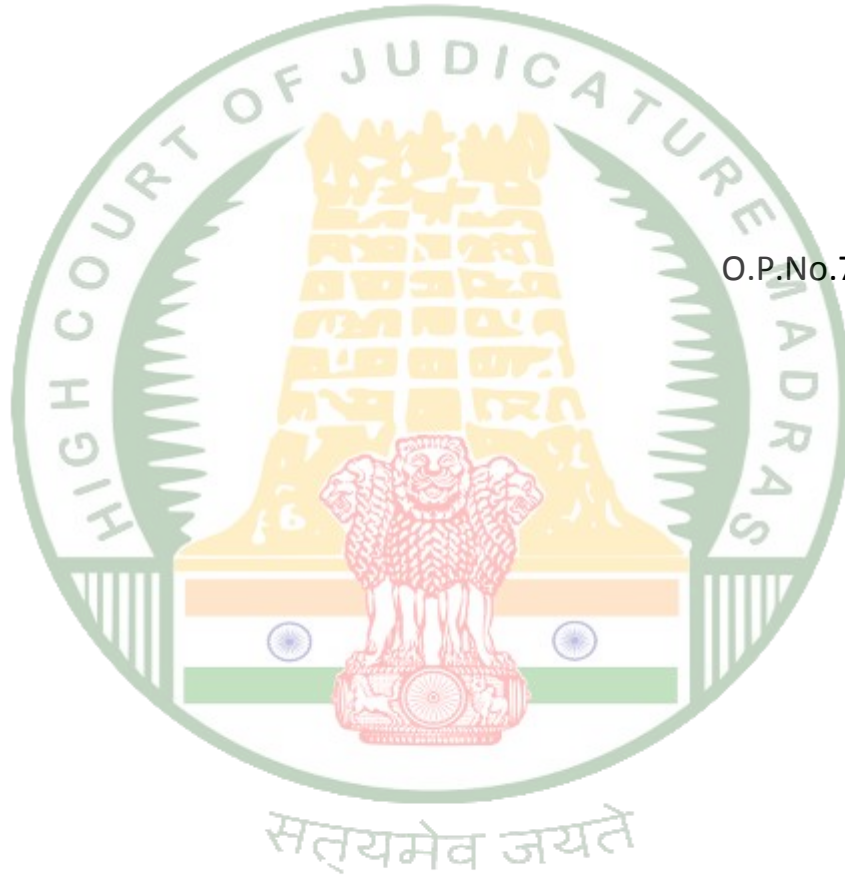
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Dr.ANITA SUMANTH,J.

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