

**In the High Court of Judicature at Madras**

**Dated : 20.01.2017**

**Coram :**

**The Hon'ble Mr.Sanjay Kishan Kaul, Chief Justice**

**O.P.No.544 of 2016**

M/s.C.V.Krishna Reddy and  
A.Neelanakteswara Reddy, Rep. by its  
Managing Partner, C.V.Krishna Reddy .. Petitioner

-VS-

- 1.The Union of India,  
rep. by the General Manager,  
Southern Railway, Chennai 600 003.
- 2.The Chief Engineer (Construction),  
Southern Railway, Construction Branch,  
Egmore, Chennai 600 008.
- 3.Mr.N.C.Sharda (Presiding Arbitrator)
- 4.Mr.Karunaker K.Menon (Arbitrator)
- 5.Mr.M.A.Inbarasu (Arbitrator) .. Respondents

Petition filed under Section 14 and 15 read with Section 11 of the Arbitration and Conciliation Act, 1996, to terminate the mandate of the present Arbitral Tribunal (comprising of the Third, Fourth and Fifth respondents) and appoint an independent Arbitrator to arbitrate all the disputes and claims arising out of the Agreement No: 95/CN/2002 dated 11.03.2002.

For Petitioner : Mr.Amalaraj S.Penikilapatti

For Respondents : Mr.A.P.Srinivas

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### **O R D E R**

Learned counsel for the respondents states that the award passed by the Arbitral Tribunal vide letter dated 05.10.2015 stands withdrawn, the same being in violation of the Court order and that the respondents are agreeable to the appointment of an Arbitrator by the Court.

2.Thus, as agreed by learned counsel for parties, I appoint **Mr.Justice G.Rajasuriya, a retired Judge of this Court,** as the Sole Arbitrator to enter upon the reference and adjudicate the disputes inter se the parties. As requested, the arbitration proceedings will be conducted under the aegis of the Madras High Court Arbitration Centre and the parties will be governed by the Rules of the Centre.

3.The original petition is, accordingly, allowed, leaving the parties to bear their own costs.

(S.K.K., CJ.)

20.01.2017

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Note: Mark a copy to

- (i) The Addl. Registrar-Vigilance  
Madras High Court Arbitration Centre,  
Madras High Court Campus, Chennai.
- (ii) The Arbitrator, as referred above.

The Hon'ble Chief Justice

(sra)

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