

In the High Court of Judicature at Madras

Dated : 17.02.2017

Coram :

The Hon'ble Mr.Huluvadi G.Ramesh, Acting Chief Justice

O.P.No.807 of 2016

M/s.Suryadev Alloys & Power Pvt. Ltd.,
rep. by its Managing Director
having registered office at
No.497, Poonamallee High Road,
Arumbakkam,
Chennai-600 101.

.. Petitioner

-VS-

Shri Govindaraja Textiles P Ltd.,
rep. by its Director and
having registered office at
258, Tiruchuli Road,
Aruppukottai, Virudhunagar District,
Pin code – 626 101.

.. Respondent

Petition filed under Section 11 (6) of the Arbitration and Conciliation Act, 1996, to appoint an Arbitrator in terms of Clause 12.3 Agreement dated 20.03.2015 entered for supply of power to the respondent generated from the petitioner's Power Plant and also with regard to various aspects relating to the Power Generation, Power Consumption and to adjudicate the disputes between the petitioner and the respondent.

For Petitioner : Mr.Jayesh Dolia
for M/s.Aiyar & Dolia

For Respondent : Notice Served
No Appearance

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ORDER

This petition has been filed by the petitioner seeking to appoint a Sole Arbitrator to adjudicate the disputes between the petitioner and the respondent.

2. The parties have entered into a Power Purchase Agreement dated 20.03.2015. Clause 12.3 of the agreement provides for an arbitration, which reads as under:-

“12.3 In the event that any Dispute could not be resolved between the Parties pursuant to Clause 12.2, then such Dispute shall be referred to arbitration under the Arbitration & Conciliation Act, 1996 to a sole arbitrator to be appointed by SURYADEV.”

3. Notice sent in this petition was served on the respondent way back on 11.01.2017. Name of the respondent has been printed in the cause list.

4. Today when the matter is taken up for hearing, there is no representation on behalf of the respondent. Since the agreement contains an arbitration clause, disputes having arisen between the parties and the

jurisdiction being of the Chennai Courts, I am of the view that the matter is liable to be referred to arbitration.

5. I, thus, appoint Mr. Justice R.S.Ramanathan, a retired Judge of this Court, as the Sole Arbitrator to enter upon the reference and adjudicate the disputes *inter se* the parties. 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. In case of non-availability of the Madras High Court Arbitration Centre, the case may be held at Nani Palkhivala Arbitration Centre at No.22, Karpagambal Nagar, Mylapore, Chennai-600 004. The parties to appear before the Centre on 20.03.2017 at 10.30 A.M.

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

(H.G.R., ACJ.)
17.02.2017

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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 Acting Chief Justice

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