

In the High Court of Judicature at Madras

Dated : 03.02.2017

Coram :

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

O.P.No.947 of 2016

M/s.International Seaport Dredging

Private Limited,
5th Floor, Challam Tower,
Old No.62 / New No.113,
Dr.Radhakrishnan Salai,
Chennai-600 004

rep. by its General Mr.Amedeo Peyron.

.. Petitioner

-VS-

1.M/s.MARG Limited,

Marg Axis,
4/318, Rajiv Gandhi Salai,
Kottivakkam (Old Mahabalipuram Road),
Chennai-600 041.

2.Mr.Justice T.Somasundaram (Retd)

Presiding Arbitrator,
1 (Old No.1686), 15th Street,
H. Block, Anna Nagar,
Chennai-600 040.

3.Mr.Justice A.S.Venkatachalamoorthy (Retd),

Arbitrator,
V-87, Fifth Avenue,
Anna Nagar,
Chennai-600 040.

4.Mr.S.Parthasarathy,

Senior Advocate,
Arbitrator,
No.161 (Old No.74),
1st Floor, V.M.Street,
Royapettah,
Chennai-600 014.

.. Respondents

Petition filed under Sections 14 and 15 read with Section 11 (6) of the Arbitration and Conciliation Act, 1996, to terminate the mandate of the third respondent as an Arbitrator in the arbitration proceedings between the petitioner and the first respondent for the adjudication of disputes arising out of the contract dated 12.09.2011 for day-rate dredging of hard patches in outer channel of MARG Karaikal Port and pending before the arbitral tribunal comprising of the 2nd respondent (Presiding Arbitrator), 3rd respondent and 4th respondent; nominate and appoint an arbitrator for and on behalf of the first respondent in the arbitral tribunal adjudicating the disputes between the petitioner and the first respondent arising out of the contract dated 12.09.2011 for day-rate dredging of hard patches in outer channel of MARG Karikal Port.

For Petitioner : Mr.Allwin Godwin
for M/s.Shardul Amarchand
Mangaldas & Co.

For Respondent : Mr.H.Imthiaz Ahamed for R1

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ORDER

On account of the ill-health of the third respondent Arbitrator - Mr.Justice A.S.Venkatachalamoorthy (Retd.), it is agreed that Mr.Justice G.M.Akbar Ali, a retired Judge of this Court be appointed as the nominee Arbitrator of the first respondent and that the arbitration proceedings take place under the aegis of the Madras High Court Arbitration Centre.

2. I, thus, appoint Mr.Justice G.M.Akbar Ali, a retired Judge of this Court, as the nominee Arbitrator of the first respondent. 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.)
03.02.2017

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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 Chief Justice

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