

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2017

CORAM:

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.29461 of 2003

Madras Race Club,
P.B.No.2369,
Guindy, Chennai 600 032,
rep. by its Secretary,
Dharmasena Ebanazar

... Petitioner

vs.

1. Union of India,
Ministry of Communication & IT,
Department of Telecommunications,
rep. by its Assistant Director (TR),
84, Sanchar Bhavan,
No.20, Ashoka Road,
New Delhi - 110 001.
2. Leela Shankari,
Hon'ble Arbitrator,
Deputy General Manager (SE),
Chennai Telephones,
407/40-B, Anna Salai,
Chennai 600 035.
3. Bharatiya Sanchar Nigam Limited (BSNL)
Chennai Telephones,
10, Millers Road,
Chennai 600 010.
rep. by its Deputy General Manager (Admn.) ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Certiorarified mandamus, calling for the records comprised in the proceedings of the 1st respondent in its Proceedings No.13-22/14/Arb/2003/MRC(14), dated 20.05.2003, and quash the same as void and illegal and consequently direct the 1st respondent to appoint an independent person unconnected with the parties having judicial experience to arbitrate the dispute relating to the Speech Circuits Nos.10300107, 10300191 and 10300547 between BSNL, Chennai and the petitioner Company.

For Petitioner : Mr.R.Parthasarathy
For 1st Respondent : Mr.A.Kumaraguru
For 2nd Respondent : No appearance
For 3rd Respondent : Mr.S.Gopinathan

O R D E R

When the matter is taken up for hearing today, learned counsel appearing for the 3rd respondent submitted that the 2nd respondent had already been transferred to Karnataka and that the 1st respondent is willing to appoint an independent Arbitrator in terms of Section 7(b) of the Indian Telegraph Act, 1885, as the relief sought by the petitioner is only for an independent Arbitrator, which fact has been agreed to by the respondents.

2. In view of the fact that the 2nd respondent has been transferred to Karnataka, nothing further survives for consideration in this Writ Petition. Hence, this Writ Petition is dismissed as infructuous.

3. However, it is open to the 1st respondent to appoint an independent Arbitrator to adjudicate the issue in question and bring the same to a logical conclusion. No costs. Consequently, connected W.P.M.P.No.35972 of 2003 and W.V.M.P.No.2996 of 2004 are closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

aeb

To:

1.The Assistant Director (TR),
Union of India,
Ministry of Communication & IT,
Department of Telecommunication,
84, Sanchar Bhavan,
No.20, Ashoka Road,
New Delhi - 110 001.

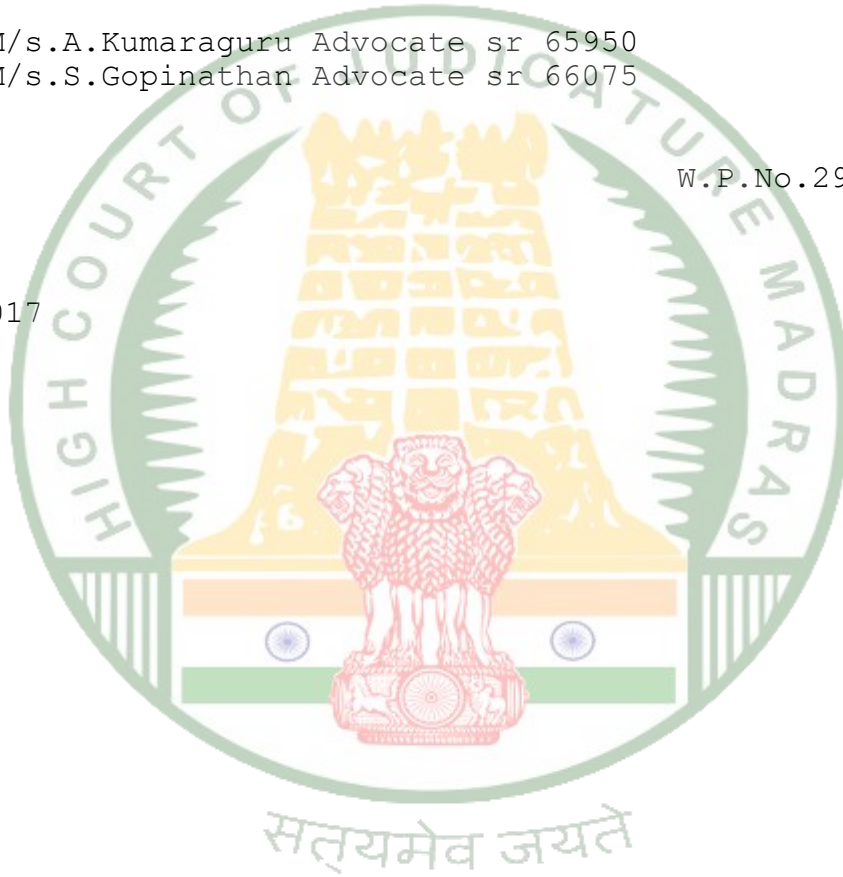
2.The Arbitrator
Deputy General Manager (SE)
Chennai Telephones
407/40-B Anna Salai
Chennai-35

3.The Deputy General Manager(SE)
Chennai Telephones
407/40-B Anna Salai
Chennai-35

+1 cc to M/s.A.Kumaraguru Advocate sr 65950
+1 cc to M/s.S.Gopinathan Advocate sr 66075

W.P.No.29461 of 2003

ppa(co)
aa06/10/2017



WEB COPY