

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 16.03.2018

CORAM

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

O.P. No.86 of 2018

Aegis Business Limited,
36A, Shakespeare Sarani,
2nd Floor, Bharatiya Bhasha Parishad Building
Kolkata 700 017, West Bengal, India
Represented by its Power of Attorney Agent
Mr.Siddhesh Sham Kshirsagar.

.. Petitioner

-VS-

Poompuhar Shipping Corporation Limited,
No.692, Anna salai,
IV Floor, (South Wing)
M.H.U. Complex, Nandanam,
Chennai - 600 035
Tamil Nadu, India.

..Respondent

Prayer: Petition filed under Section 11 (4) of the Arbitration and Conciliation Act, 1996 to appoint an Arbitrator to resolve the dispute between the petitioner and the respondent that has arisen in terms of TIME CHARTER PARTY Dated 22.11.2013 field as A Colly.

For Petitioner : Mr.K.Mukund Rao

For Respondents : Mr.Anand Sashidaran

ORDER

This Original Petition is filed seeking the appointment of an Arbitrator to resolve the disputes between the parties that have arisen out of time

Dr.Anita Sumanth, J.

rkp/msv

charter party agreement dated 22.11.2013. Admittedly, the charter party agreement contains a clause for resolution of disputes by Arbitration that reads thus:

'16.That should any dispute arise between Owners and the Charterers, the matter in dispute shall be referred to three Arbitrators who shall be based at Chennai, one Arbitrator to be appointed by each of the parties hereto, and the third Arbitrator by the two so chosen, their decision or that of any two of them, shall be final, and for the purpose of enforcing any award, this agreement may be made a rule of the Court. The Arbitrator shall be commercial men. The venue of Arbitration shall only be at Chennai.'

2. A counter has been filed by the respondent. It is stated that, in fact, the respondent has appointed an arbitrator viz., Commander Illangovan on 08.10.2016, the appointment reiterated on 28.08.2017. The petitioner has nominated Captain Pullat as its Arbitrator. Learned counsel, on behalf of their respective clients state that the nominee arbitrators will appoint the Presiding Arbitrator to constitute the Arbitral Tribunal.

3. Recording the same, this petition is closed. No costs.

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