

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

TUESDAY, THE 23rd DAY OF OCTOBER 2018

THE HON'BLE MR. JUSTICE C.SARAVANAN

O.P. No.209 of 2018

In the matter of the
Arbitration and Conciliation
Act, 1996

and

In the matter of the
agreement dated 21.08.2009.

Pannaiyar R.Kosalai Nadar
Son of S.Ramasamy Nadar
Managing Partner
M/s.M.A.N.S.Nadar and Co,
111, Katcheri Road, Palayakayal
Tuticorin 628 152.

... Petitioner

-Versus-

1. The Government of India
Represented by its Deputy Salt Commissioner
Office of the Deputy Salt Commissioner
26, Haddows Road,
Shastri Bhavan, Nungambakkam,
Chennai 600 006.

2. The Assistant Salt Commissioner (P & D)
Office of the Sale Commissioner
Government of India

2-A, Lavan Marg,
Lavan Bhawan, Jhalana Doongri,
Jaipur 302 004.

... Respondents

Original petition praying that this Hon'ble Court be pleased to appoint an Arbitrator in terms set out in section 11(6) of the Arbitration & Conciliation Act 1996 to decide the dispute between the petitioner and the respondents arising out of the agreement dated 21.08.2009.

This Original Petition coming on this day before this Court for hearing the court made the following order:-

The dispute has arisen between the petitioner and the respondents in respect of lease deed dated 21.08.2009, wherein 367.4827 acres of salt lands has been leased to the petitioner for a period of 20 years. By a letter dated 27.07.2017, the first respondent has terminated the contract and has also refused to appoint an Arbitrator under Clause 23 of the lease deed for resolution of dispute by way of arbitration.

2. The said clause reads as under:

In the event of any question, dispute or difference arising in respect of or in connection with these presents (except as to any matters, the decision of which is specially provided for by these presents) the same shall be referred to the sole arbitration of the Salt Commissioner to the Government of India or of some other person appointed by him. It will be no objection that the Arbitrator is a Government Servant, that he has to deal with matters to which these presents relate or that in the course of his duties as Government Servant, he has expressed views, on all or any of the matters in dispute or difference. The award of the arbitrator shall be final and binding on the parties to this indenture. It is a term of this clause that no person other than the Salt Commissioner, Government of India or the person appointed by him shall act as arbitrator and that, if for any reason, that is not possible, the matter shall not be referred to arbitration at all. The arbitrator, may, with the consent of the parties, enlarge the time from time to time for making and publishing the award. Subject as aforesaid, the Arbitration Act, 1940 and the rules thereunder and any statutory modification thereof for the time being in force shall be deemed to apply to the arbitration proceedings under this clause.

3. Both the parties have consented for appointment of

Hon'ble Mr. Justice K. Venkataraman, a retired Judge of this

Court as sole Arbitrator.

4. Hence, Hon'ble Mr.Justice K.Venkataraman, a retired Judge of this Court, residing at No.125, L-Block, East Anna Nagar, Chennai - 600 102. (Mobile: 9444390961) is appointed as the sole Arbitrator to enter upon reference and adjudicate the disputes *inter se* the parties. Since the appointment is made with the consent of both the parties, the mandatory requirements of Section 11(8) of the Act is dispensed with.

5. The learned Arbitrator may, after issuing notice to the parties and upon hearing them, pass an award as expeditiously as possible, preferably within a period of six months from the date of receipt of the order.

6. The learned Arbitrator is at liberty to fix his remuneration and other incidental expenses. The proceedings may be conducted under the aegis of the Madras High Court

Arbitration Centre and in accordance with the Madras High Court Arbitration Rules.

7. The Original Petitions is, accordingly, allowed, leaving the parties to bear their own costs.

Sd/-C.S.N.J

23.10.2018

//Certified to be a true copy//

Dated this the day of 2019

jj 02.01.2019

COURT OFFICER

From 25.09.2008 the Registry is issuing certified copies of the Order/Judgment Decree in this format.

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