

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED; 06.12.2018

CORAM

THE HONOURABLE MR. JUSTICE M.GOVINDARAJ

O.P.NO.763 OF 2018

A. Manicavassalou,
Proprietor,
M/s.A.Manicavassalou,
registered Engineering Contractor,
No.10, Vellavari Street,
Mariya Tower, 2nd Floor,
Carmel Convent, Muthialpet,
Puducherry – 605 003

Petitioner

Vs

The Chairman,
Chennai Port Trust,
No.1, Rajaji Salai,
Chennai 600 001

Respondent

Petition filed under Section 11(4) of the Arbitration and Conciliation Act, 1996 praying to appoint an arbitrator on behalf of the respondent to adjudicate the disputes arising between the claimant and the respondent pursuant to the contract agreement 49/2013 dated 03.10.2013 and clause 25.3 of the Agreement.

For Petitioner: Mr. M. Sunil Raja

For Respondent: Mr. V Haribabu

ORDER

This original petition is filed seeking an appointment of Arbitrator in terms of Section 11 of the Arbitration and Conciliation Act 1996 to adjudicate the

disputes arising between the claimant and the respondent pursuant to the contract agreement 49/2013 dated 3.10.2013 and clause 25.3 of the agreement.

2. Heard the submissions of the learned counsel for the petitioner and the learned counsel for the respondent.

3. Upon consent of parties and in accordance with Clause 25.3 of the Contract Agreement dated 3.10.2013, it is clear that there exist a clause for dispute resolution between the parties.

4. Perusal of records would reveal that the petitioner by his letter dated 21.10.2017 has referred the dispute to arbitration, followed by which, a letter was sent on 12.12.2017 nominating an arbitrator. In response to the same, the respondent sent a letter dated 23.4.2018 to the petitioner objecting the arbitrator nominated by the petitioner.

5. The respondent, though not filed his counter, does not dispute the existence of the clause for dispute resolution and it is clear that disputes have arisen between the parties that call for arbitration in terms of clause 25.3 of contract agreement dated 3.10.2013.

6. In the facts and circumstances of the case and considering the arguments of the applicant, this Court is inclined to appoint **Mr.F.M. Ibrahim Kalifullah**, a Retired High Court Judge as an Arbitrator to resolve the disputes inter se between the parties.

7. I, thus, appoint **Mr.F.M. Ibrahim Kalifulla, Former Judge of this Court having his residence at Plot No.158-B, Door No.22, Sivananda Salai, Gill Nagar Extension, Choolaimedu, Chennai-94** as the sole Arbitrator to enter upon reference and adjudicate the disputes inter se the parties. He 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. The learned Arbitrator is at liberty to fix his remuneration and other incidental expenses which shall be borne by both parties equally.

8.The Original Petition is, accordingly, allowed, leaving the parties to bear their own costs.

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M.GOVINDARAJ, J.

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