

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

WEDNESDAY, THE 31ST DAY OF OCTOBER 2018

THE HON'BLE MR.JUSTICE C.SARAVANAN

O.P.No.767 of 2018

In the matter of the Arbitration
and Conciliation Act 1996
and

In the matter of the Agreement
No.20/DY.CE/CN/MAS/2010 dated
26.03.2010 between M/s. Y.Chinna
Reddy and the Southern Railway

M/s. Y.Chinna Reddy,
Rep.by its Managing Partner,
Mr.Y.Chinna Reddy
Door No.27/2/1846, 8th Street
Ramji Nagar, Near Children's Park,
Nellore, Andhra Pradesh 524 002. ..Petitioner

-vs-

1.The Union of India,
Represented by the General Manager,
Southern Railway,
Park Town, Chennai 3.

2.The Chief Engineer, (Construction)
Construction Branch,
Southern Railway, Periyar EVR High Road
Egmore, Chennai -8.

3.The Deputy Chief Engineer (MAS/Construction -I)
Southern Railway, My Lady's Garden,
Chennai 3.

...Respondents

Original Petition praying that this Hon'ble Court be pleased to :

Appoint an independent arbitrator to arbitrate all the claims and disputes between the petitioner and the respondents arising out of the Agreement No.20/DY.CE/CN/MAS/2010 dated 26.03.2010.

b. Direct the Respondents to pay the cost of the petition.

This original petition coming on this day before this Court for hearing, the Court made the following order:

The application has been filed for appoint an independent arbitrator to arbitrate all the claims and disputes between the petitioner and the respondents arising out of the Agreement No:20/DY.CE/CN/MAS/2010 dated 26.03.2010.

2. By letter dated 08.11.2017, the respondent has intimated a panel of Arbitrator who are in service of the respondent. As such their appointment is no longer be justified in view of the amendment to the Act. Accordingly, parties were asked to give their consent for appointment of an Arbitrator. Both the counsels have consented for appointment of an retired Judge of this Court.

3. With the consent of both the parties Hon'ble Mr.Justice R.S.Ramanathan (Retd.), residing at "Parijatham" Old No.4B2, New No.15, Rajagopalan Street, Valmiki Nagar, Thiruvannamipur, Chennai - 600 041 (Mob: 9444222391) is

adjudicate the disputes *inter se* the parties.

4. 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 copy of this order. All the issues touching upon the rights and liabilities of the partners are decided by the learned Arbitrator.

5. The learned Arbitrator is at liberty to fix his remuneration and other incidental expenses.

6. 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 Petition is, accordingly, allowed, leaving the parties to bear their own costs.

Sd./-C.S.N.J
31.10.2018

//Certified to be true copy//

Dated at Madras this the day of 2019.

JJ 01/07/2019

COURT OFFICER(O.S.)

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