

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.02.2018

CORAM

THE HONOURABLE MR.JUSTICE K. RAVICHANDRABAABU

W.P.No.2941 of 2018
and
WMP.No.3606 of 2018

G.Baskaran
S/o.P.Govindarajan

... Petitioner

.vs.

1. The Managing Director
Tamil Nadu Civil Supplies Corporation
No.12, Tambusamy Road, Kilpauk,
Chennai-600 010.

2. The Senior Regional Manager
Tamil Nadu Civil Supplies Corporation
Thanjavur Region, Thanjavur.

... Respondents

Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to appoint the Arbitrator as per Clause 44 of the Agreement dated 01.03.2013 within stipulated time.

For Petitioner : Mr.C.Prakasam

For Respondents: Mr.L.P.Shanmugasundaram
Special Government Pleader

सत्यमेव जयते
O R D E R

Mr.L.P.Shanmugasundaram, learned Special Government Pleader takes notice for the respondents. By consent of the parties, the main writ petition is taken up for final disposal at the admission stage itself.

2. The petitioner seeks for a mandamus directing the 1st respondent to appoint an Arbitrator, as per Clause 44 of the Agreement dated 01.03.2013, within the stipulated time.

3. Heard both sides.

4. The petitioner is running a rice mill and was appointed

as hulling agent by the first respondent. There was an agreement entered between the parties and such agreement contains an Arbitration Clause as well.

5. Now, the dispute has arisen between the parties, resulting out of such an agreement and consequently, the dispute has to be referred to the Arbitration, as stipulated in the agreement itself. All these things are not disputed. Perusal of the proceedings dated 28.09.2017, issued by the second respondent would show that the petitioner was called upon to name any one of the five chosen persons, as an Arbitrator, so as to proceed further to refer the matter for the Arbitration. It is stated by the petitioner that in pursuant to the said proceedings dated 28.09.2017, the petitioner through his communication dated 21.10.2017 informed the second respondent that he has selected one G.Srinivasan, DRO (Retd.), Coimbatore as an Arbitrator, since he is one among the five chosen persons as intimated by the second respondent. The grievance of the petitioner is that even after issuing such communication, the Arbitrator is not appointed so far.

6. The learned Special Government Pleader for the respondents submitted that if such communication is issued by the second respondent from the petitioner, certainly, they will look into it and appoint the Arbitrator, without loss of further time.

7. Considering the above stated facts and circumstances and the submissions made by the learned counsels on either side, this writ petition is disposed of, only by directing the second respondent to consider the communication dated 21.10.2017 issued by the petitioner and take appropriate steps to appoint the Arbitrator, without loss of further time, however, in any event, within a period of two weeks from the date of receipt of a copy of this order. It is made clear that this Court is not expressing any view on the merits of the dispute, which has arisen between the parties, as it is for the Arbitrator to consider and decide the same. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

//True copy//

Sub Assistant Registrar

mk

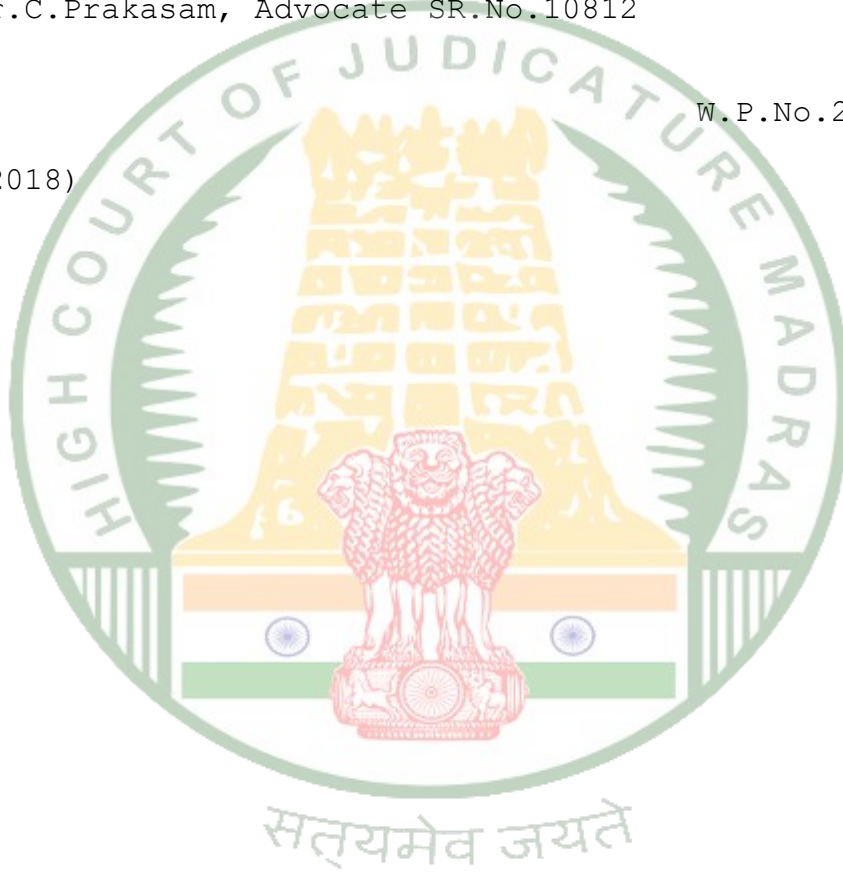
To

1. The Managing Director
Tamil Nadu Civil Supplies Corporation
No.12, Tambusamy Road, Kilpauk,
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2. The Senior Regional Manager
Tamil Nadu Civil Supplies Corporation
Thanjavur Region, Thanjavur.

+1cc to Mr.C.Prakasam, Advocate SR.No.10812

W.P.No.2941 of 2018

GJ(CO)
GN(23/02/2018)



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