

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.01.2019

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THE HONOURABLE MR. JUSTICE M.GOVINDARAJ

O.P.NO.872 OF 2018

M/s.Sri Meenakshi Sundareswarar Constructions
Rep. by Managing Partner M.Brammanayagam
No.C 18/5, Housing Board Colony,
Vaigai Nagar, Arappalayam,
Madurai - 16. Petitioner

Vs.

The Superintending Engineer
PWRO., PWD,
Periyar Vaigai Basin Circle,
Madurai - 625 001. ... Respondent

PRAYER: Original Petition filed under Section 11(6) of the Arbitration and Conciliation Act, 1996, to direct the Chairman institute of Engineers, Chennai to nominate a person as Arbitrator to decide the disputes between the petitioner and the respondent herein.

For Petitioner : Mr.G.Surya Narayanan

For Respondent : Mr.Sricharan Rangarajan
Special Government Pleader (CS)

ORDER

This Original Petition has been filed by the petitioner seeking

to direct the Chairman institute of Engineers, Chennai to nominate a person as Arbitrator to decide the disputes between the petitioner and the respondent .

2. The learned counsel appearing for the petitioner sought for appointment of an Arbitrator from the panel of Indian Chartered Institute of Engineers. He would also vehemently contend that the matter involves purely technical aspects and requires taking of measurements for assessing the disputed damages and to dispose of the case expeditiously.

3. On the other hand, the learned Special Government Pleader (CS) appearing for the respondent contend that the dispute involves a huge sum of Rs.5,89,65,357.70 and therefore, a retired Judge of this Court can be appointed.

4. Since the arbitration proceedings has to be conducted in accordance with the Arbitration and Conciliation Act, 1996 and the procedures laid down thereunder, it is always better to appoint a person, who is well-versed in arbitration procedures. In that view of the matter, this Court is of the considered view that a retired Judge of this Court can be appointed. In case technical assistance is

needed, the petitioner can insist on the Arbitrator to engage a qualified Engineer to assist him for taking out that particular task. In the event of the learned Arbitrator orders appointment of technical experts, the expenses shall be borne by the parties. The respondent shall also consider to bear the expenses for such inspection as may be ordered.

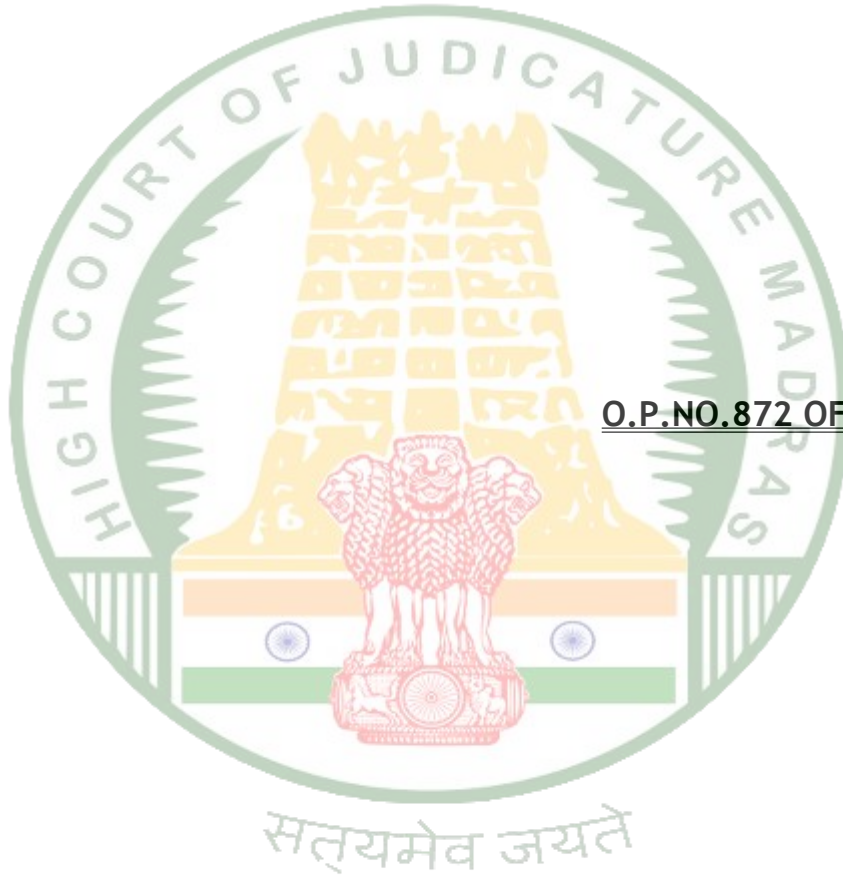
5. Accordingly, ***the Hon'ble Mr.Justice G.M.Akbar Ali, Judge (Retd.) residing at No.6, 9th Cross Street, Senthil Nagar, Kolathur, Chennai - 600 099, Mobile: 9445025151*** is appointed as Arbitrator to enter upon the reference and after issuing notice to the parties and upon hearing them, pass an award as expeditiously as possible within a period of six months from the date of receipt of the order. The learned Arbitrator is at liberty to fix his remuneration as well as schedule of expenses which shall be borne by both parties equally. 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.

6. The Original Petition is ordered in the aforesaid terms leaving the parties to bear their own costs.

Index : Yes/No
Internet : Yes/No
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