

THE HON'BLE THE CHIEF JUSTICE SRI THOTTATHIL B. RADHAKRISHNAN

ARBITRATION APPLICATION No.77 of 2018

ORDER:

The second party to the Memorandum of Understanding, which is relied on by the applicant, is before us. Clause 26 of that Memorandum of Understanding, dated 25.02.2016, is to the effect that the second party would appoint the Arbitrator.

The said provision reads as follows:

“26. It was agreed that any disputes arose, shall be decided by an Arbitrator duly appointed by the second party.”

In view of the aforesaid, it is for the second party to make appointment and for the Arbitrator to act on such appointment or not. That is not a matter on which the second party, who has authority to appoint the Arbitrator, can move the application under Section 11(6) of the Arbitration and Conciliation Act, 1996.

Hence, the Arbitration Application is dismissed without prejudice.

THOTTATHIL B. RADHAKRISHNAN, CJ

27.07.2018
vs/pln