

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

ARBITRATION APPLICATION No.65 OF 2018

ORDER (ORAL):

Heard the learned counsel for the applicants and the learned counsel for the respondents.

2. The arbitrator agreement between the parties is not in dispute. In the notice issued by the applicants, an arbitrator was suggested. That notice is dated 06.03.2017. In the reply notice issued by the respondents dated 20.03.2017 to the counsel for the applicants, respondents did not agree to the arbitrator named by the applicants. Another name was suggested by the respondents. This fact-situation is not disputed. The learned counsel for the applicants says that the applicants are not amenable to the suggestion as to the arbitrator as made by the respondents through the reply notice.

3. In the aforesaid circumstances, requisite measure in terms of Section 11(6) of the Arbitration and Conciliation Act, 1996 is called for by appointing an Arbitrator in exercise of power under that provision of law, ignoring the nominations, if any, made by the parties.

4. Accordingly, this Arbitration Application is allowed appointing Sri R. Damodar, Retired District Judge, as Arbitrator to arbitrate on the disputes between the applicants and the respondents and the said Arbitrator shall enter on reference and proceed with, as enjoined by the Act.

As a sequel thereto, Miscellaneous Applications, if any, pending in the Arbitration Application stand closed.

THOTTATHIL B. RADHAKRISHNAN, CJ

August 24, 2018.
PV

