

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

ARBITRATION APPLICATION No.138 OF 2015

ORDER:

This is an Application for a measure under Section 11 (6) of the Arbitration and Conciliation Act, 1996; “for short, the A&C Act”.

2. Heard learned counsel for the applicant and the learned Assistant Solicitor General for the respondents.

3. The respondents have objected to the application on the plea that the claim is barred by limitation and that no issues continue to exist for arbitration. It is also pleaded that there is discharge of all liabilities under the Contract.

4. The issues, as raised by the respondents in opposition to the application for appointment of an Arbitrator under Section 11(6) of the A&C Act, by themselves arbitrable and would fall within the jurisdiction of the arbitral tribunal, having regard to the law laid down in **National Insurance Company Limited vs. Boghara Polyfab Private Limited**¹.

5. For the aforesaid reasons, this Arbitration Application is eligible to be allowed taking requisite measure under Section 11(6) of the A&C Act.

6. In the result, this Arbitration Application is allowed appointing an Arbitrator.

7. Accordingly, Sri I.Krishnaiah, Retired District Judge, is appointed as Arbitrator to arbitrate on the disputes between the applicant and the respondent, including the claims and counter

¹ (2009) 1 SCC 267

claims of both sides. The said Arbitrator shall enter on reference and proceed with, as enjoined by the A&C Act. No order as to costs.

THOTTATHIL B. RADHAKRISHNAN, CJ

26.10.2018
pln

