

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Arbitration Application No. 8 of 2017**

GPR Power Solutions (Pvt) Ltd., Through it's General Manager,
Plot No. 76, VGN Mahalakshmi Nagar, Extension-V, IInd Main
Road, Thirruverkadu, District Chennai, Tamil Nadu.

---- Applicant

Versus

M/s Vandana Energy And Steel P Ltd., Vandana House, Plot No.
10/36, Civil Lines, Near Raj Bhawan, Raipur, District Raipur,
Chhattisgarh.

---- Non-Applicant

For Applicant : Shri Anup Majumdar, Advocate.

For Non-Applicant : None, though served.

Hon'ble Shri Justice Sanjay Agrawal**Order On Board****31.01.2019**

1. Heard.
2. Invoking the provision contained under Section 11(6) read with Section 15 of the Arbitration and Conciliation Act, 1996 (for short 'the Act of 1996'), the applicant has moved this application for appointment of arbitrator for resolving a dispute, which is arisen between the parties in relation to the work order dated 22.04.2010 and 31.03.2010 for yard, piping, packaging (pipes, valves, fitting, expansion bales, home's pipes etc.) for 35 Mega Watt Thermal Power Plant in Chhuarikhurd.
3. Clause 11 of the purchase order contains an arbitration clause which provides that in case dispute arises between the purchaser and

supplier for design, scope etc., the decision of the consultant shall be final, binding and acceptable to both the parties.

4. While, invoking the said clause, the applicant has approached the consultant of M/s. M N Dastur and Company (P) Ltd., as mentioned in Clause 13 of the Purchase Order. However, the consultant of the said company namely, Mr. M. R. Ranjan vide its letter dated 22.11.2016 has expressed his unwillingness and inability to act as an arbitrator and to arbitrate the dispute. The applicant, has therefore, constrained to file this application for appointment of arbitrator, while mentioning as many as 3 names in the petition.

5. In view of the aforesaid facts and circumstances of the case and particularly with regard to the fact that the said consultant has already refused to arbitrate the matter, I am inclined to appoint Er. P. Karthikeyan, Kanchi, U-66, 7th Street, Anna Nagar, Chennai-600040, to arbitrate the dispute, as a sole arbitrator.

6. The Registry is directed to communicate this order to the said arbitrator (Er. P. Karthikeyan, Kanchi, U-66, 7th Street, Anna Nagar, Chennai-600040), who shall enter into reference after complying with the provisions contained in Section 12(2) of the Act of 1996.

7. Accordingly, the arbitration application is allowed. No order as to costs.

Sd/-
(Sanjay Agrawal)
Judge