

**A.No.720 of 2019**  
**in O.P.No.807 of 2012**

**PUSHPA SATHYANARAYANA, J.**

The petitioners have taken out this application seeking for appointment of a new Arbitrator in the place of Late R.Muthukumarasamy to adjudicate the matter.

2. It is stated that the petition filed by the applicants under Section 11 of the Arbitration and Conciliation Act, 1996, seeking appointment of a Sole Arbitrator was allowed by this Court on 06.03.2015 appointing Mr.R.Muthukumarasamy, Senior Advocate, as the Sole Arbitrator, who later became the Advocate General of the State. Subsequently, the learned Arbitrator passed away on 02.12.2018. Due to the said circumstances, the mandate of the Tribunal could not be completed in time. Hence, the applicants are before this Court again in this application seeking the relief stated supra.

3. Despite service, neither in the original petition proceedings nor in this application, the respondents entered appearance.

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4. Admittedly, the erstwhile Arbitrator passed away before completing the mandate of the Arbitral Tribunal and as such, substitution of the Arbitrator to the Tribunal is necessary. For the reasons stated by the applicants, it is clear that they have shown sufficient cause to extend the mandate of the Arbitral Tribunal for conducting the proceedings and passing of an Award.

5. Having considered the submissions of the learned counsel for the applicants, this Court appoints Mr.R.Sankara Narayanan, Senior Advocate, having office at No.103, New Additional Law Chambers, High Court Buildings, Chennai-600 104, (Phone No.90032 99952), in the place of the erstwhile Arbitrator, as the Sole Arbitrator to enter upon reference and adjudicate the disputes inter se the parties. The learned Arbitrator may, after issuing notice to the parties, continue the hearing from where it was left by the erstwhile Arbitrator and upon hearing the parties, pass an award as expeditiously as possible, preferably within a period of six months from the date of receipt of the order. The learned Arbitrator is at liberty to fix his remuneration and other incidental expenses. The proceedings may be conducted preferably in the Madras High Court Arbitration Centre and in accordance with the Madras High Court Arbitration Rules. The

disclosure and declaration may be made by the learned Arbitrator in the form specified in the Sixth Schedule to the Arbitration and Conciliation Act, 1996.

6. This application is allowed.

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