

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.12.2019

Coram

THE HONOURABLE MR. JUSTICE M.SUNDAR

O.P.No.167 of 2019

Dalmia Cement (Bharat) Limited
Represented by its AED-Legal
Mr.TA.Srinivasen
Having its registered office at
Dalmiapuram, Tiruchirapalli
Tamil Nadu - 621 651

... Petitioner

vs.

Paharpur Cooling Towers Limited
No.8/1/B, Diamond Harbour Road
Kolkata - 700 027

... Respondent

Original Petition filed under Section 11(6) of the Arbitration and Conciliation Act, 1996, to appoint two arbitrators to adjudicate on the disputes between the petitioner and the respondent herein.

For Petitioner : Mr.Avinash Krishnan

For Respondent : Mr.G.Kumud Jhabakh

ORDER

Mr.Avinash Krishnan, learned counsel on record for petitioner and Mr.G.Kumud Jhabakh, learned counsel on record for respondent, are before this Court.

2. Instant 'Original Petition' ('OP' for the sake of brevity) has been filed under Section 11 of 'The Arbitration and Conciliation Act, 1996' (hereinafter 'A & C Act' for the sake of brevity) with a prayer for appointment of an Arbitrator.

3. Both the learned counsel have filed a joint memo dated 17.12.2019, which reads as follows:

' JOINT MEMO FILED ON BEHALF OF THE PARTIES

1. It is submitted that the Petitioners and Respondents herein, agree to proceed with ad-hoc arbitration before a Sole Arbitrator with the seat of arbitration at Chennai.

2. The parties herein jointly nominate Hon'ble Mr. Justice (Retd.) R.S.Ramanathan, Retired Judge, Hon'ble High Court of Judicature at Madras as the sole arbitrator.

3. This joint memo is filed by both parties, without prejudice to any of their rights on the merits of the underlying claim/dispute, which is being referred to arbitration.

4. It is most humbly prayed that the Hon'ble Court may be pleased to take this memo on record and pass such orders as this Hon'ble Court may deem fit in the facts and circumstances of this case and thus render justice.'

4. The contents of aforesaid joint memo are reiterated in the hearing today. Both learned counsel also submits that joint memo has been filed, on instructions, from their respective clients.

5. Therefore, in the instant OP Hon'ble Mr. Justice R.S.Ramanathan

(Retd.), "Panjatham", Old No.482, New No.15, Rajagopalan Street, Valmiki Nagar, Thiruvanmiyur, Chennai-41 (Mob: 9444222391) is appointed as sole Arbitrator. Hon'ble sole Arbitrator is requested to enter upon reference and adjudicate upon arbitral disputes that have arisen between the petitioner and respondent vide agreement dated 13.02.2007 and other connected agreement dated 04.07.2007.

Instant OP is disposed of on above terms. No costs.

19.12.2019

Speaking order: Yes/No
Index: Yes/No
gpa

Note: Registry is directed to communicate this order forthwith to Hon'ble Mr.Justice R.S.Ramanathan (Retd.), "Panjatham", Old No.482, New No.15, Rajagopalan Street, Valmiki Nagar, Thiruvanmiyur, Chennai-41 (Mob: 9444222391).

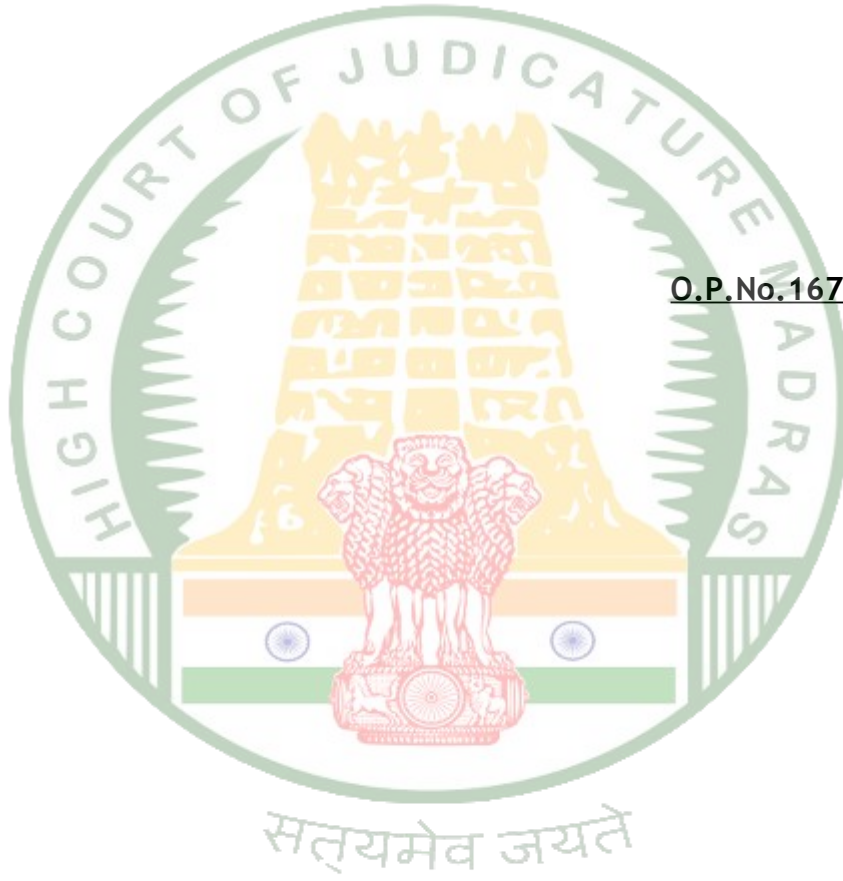
सत्यमेव जयते

WEB COPY

O.P.No.167 of 2019

M.SUNDAR.J.,

gpa



O.P.No.167 of 2019

WEB COPY 19.12.2019