

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 24.07.2019

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

O.P.No.252 of 2019

M/s.K.S. & Company,
Represented by its partner,
Mr.K.Sundaresan,
4/150, Lake Area Main Road,
Uthangudi Post,
Madurai – 625 107.

.. Petitioner

-VS-

Chief Project Manager,
Rail Vikas Nigam Limited,
Mezzanine Floor,
Thirumailai Railway Station,
Mylapore, Chennai – 600 004.

.. Respondents

Prayer: Petition filed under Section 11(6) of the Arbitration & Conciliation Act, 1996 to appoint a panel of three independent arbitrators, in terms of Clause 20.3.1 of General Conditions of the Contract Agreement dated 09.04.2014 executed between the petitioner and the respondent.

For Petitioner : Mr.K.Harishankar

For Respondent : Mr.V.G.Sureshkumar

ORDER

This petition seeks to appoint a panel of three independent arbitrators, in terms of Clause 20.3.1 of General Conditions of the Contract Agreement dated 09.04.2014 executed between the petitioner and the respondent.

PUSHPA SATHYANARAYANA, J.

rsi

2. Clause 20.3.2. of the General Conditions of the contract contemplates procedure for appointment of arbitrators, as per which, there should be three arbitrators.

3. Today, the learned counsel for the applicant had given his choice of arbitrator as Mr.K.K.Sharma, Retired PCE/Southern Railway, residing at No.C-501, Swagat Rain Forest 1, Judasan, Ahemdabad, Gandhinagar Highway, Gandhinagar – 382421.

4. The learned counsel for the respondent also agreed for the same and he would appoint one arbitrator of their choice within a period of one week from today. Both the arbitrators so appointed by the parties would appoint the third arbitrator to complete the Constitution of the Arbitral Tribunal within 30 days, as the parties have already agreed for the same.

5. Accordingly, the Original Petition is allowed. No costs.

24.07.2019

rsi

Note: Issue order copy on 26.07.2019

O.P.No.252 of 2019