

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.01.2019

CORAM

THE HONOURABLE MR. JUSTICE M.GOVINDARAJ

O.P.NO.1114 OF 2018

M/s.Aarthi Enterprises
Rep. by its Partner Mrs.G.Mythili
No.1, Chelliamman Colony,
Second Street, Peravallur,
Chennai - 600 082.

.... Petitioner

Vs.

Southern Railways
Rep. by its General Manager
Chennai - 600 003.

... Respondent

PRAYER: Original Petition filed under Section 11(5) of the Arbitration and Conciliation Act, 1996, to appoint an Arbitrator to adjudicate upon the claim of the petitioner as to the loss in all aspects sustained by the petitioner / contractor in connection with the contract based on the agreement dated 04.07.2017 in No.M/MD.52/RG/WST.RPM & SO, relating to the works of collecting, transporting and dumping of garbage / rubbish from Railway Colonies at Royapuram, Washermenpet, Salt Quarters and Mathew's Colony to authorized dumping area and to complete the arbitration proceedings within a reasonable time.

For Petitioner	:	Mr.R.Neelakandan
For Respondent	:	Mr.P.T.Ramkumar
		Standing Counsel for Railways

ORDER

This Original Petition has been filed by the petitioner seeking appointment of a Sole Arbitrator to resolve the disputes between the petitioner and the respondent .

2. The petitioner was awarded a contract by the respondent, followed by an agreement dated 04.07.2017. A dispute arose between the parties, resulting in issuance of notice for appointment of Arbitrator, on 30.05.2018. The respondent received the said notice on 04.06.2018 and replied that decision will be taken on the request of the petitioner, by following the statutory period mentioned in the General Conditions of Contract and the same will be communicated to the petitioner. Even though six months time lapsed, no decision was taken by the respondent. Therefore, this Court is inclined to appoint an Arbitrator to resolve the dispute between the parties.

3. Accordingly, **Mr.N.RAMASAMY, Sub Judge (Retired)** residing at No.23, NRS Illam, 4th Main Road, Kasthuribai Nagar, Adyar, Chennai - 600 020 (Mobile No.9884099322) is appointed as

Arbitrator to enter upon the reference and after issuing notice to the parties and upon hearing them, pass an award as expeditiously as possible within a period of six months from the date of receipt of the order. The learned Arbitrator is at liberty to fix his remuneration as well as schedule of expenses which shall be borne by both parties equally. The proceedings may be conducted under the aegis of the Madras High Court Arbitration Centre and in accordance with the Madras High Court Arbitration Rules.

4. The Original Petition is ordered in the aforesaid terms leaving the parties to bear their own costs.

02.01.2019

Index : Yes/No

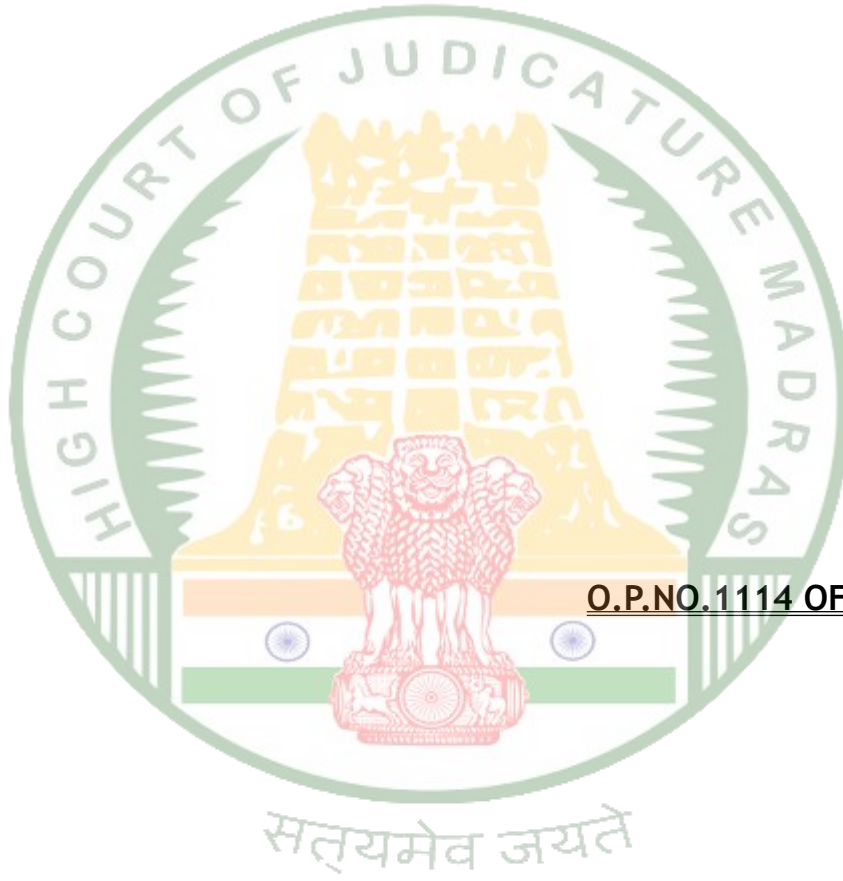
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M.GOVINDARAJ, J.

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