

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 26.02.2020

Coram

THE HONOURABLE MR. JUSTICE M.SUNDAR

O.P.No.16 of 2020

R.Natarajan

... Petitioner

vs.

1. The Project Director,
Project Implementation Agency (P.I.A)
Emergency Tsunami Reconstruction Project,
Puducherry.
2. The Joint Project Director,
Project Implementation Agency (P.I.A)
Puducherry.
3. The Executive Engineer,
Project Implementation Agency (P.I.A)
Puducherry.

... Respondents

Original Petition filed under Section 11(6) of the Arbitration and Conciliation Act, 1996, to appoint an independent sole arbitrator to adjudicate upon the claims of the petitioner as the arbitration application submitted by the petitioner to the Project Director, Project Implementation Agency (P.I.A) Emergency Tsunami Reconstruction Project, Puducherry the 1st Respondent herein dated 19.08.2019 as per the Agreement No.06/PIA/EE/(P)/10-11 dated 22.04.2010 and as per clause 25 of the general conditions of the contract for public works 1996 and award cost of this petition.

For Petitioner : Mr.N.Thiagarajan
For Respondents : Mr.A.V.Ramalingam,
Additional Government Pleader,
Puducherry.

ORDER

Mr.N.Thiagarajan, learned counsel for petitioner and Mr.A.V.Ramalingam, learned Additional Government Pleader, Puducherry for all the respondents are before this Court.

2. Instant 'Original Petition' ('OP' for the sake of brevity) is filed under Section 11(6) of 'The Arbitration and Conciliation Act, 1996 (Act 26 of 1996)' (hereinafter 'A and C Act' for the sake of brevity) obviously with a prayer for appointment of an arbitrator.

3. The arbitration agreement between the parties being an agreement within the meaning of section (2)(1)(b) read with Section 7 of A and C Act is in the form of a covenant in an agreement dated 22.04.2010 bearing reference No.06/PIA/EE/(P)/10-11 and the covenant is clause 25.

4. There is no disputation or disagreement before this Court about the existence of aforesaid arbitration agreement between the parties.

5. What is of significance in the application for appointment of arbitrator dated 19.08.2019 is, petitioner has suggested four names.

6. Learned State counsel now submits that vide communication dated 25.02.2020 bearing reference No.6-866/PAI/Pdy/EE(P)/2019-20/132 from the Executive Engineer (CIVIL) PIA, PUDUCHERRY, first of the four options, namely, Thiru.K.Balakrishnan, M.Tech, Chief Engineer, (Retd), CPWD has since been appointed as arbitrator. This appointment is acceptable for the petitioner.

7. This puts an end to instant OP.

8. Instant OP is disposed of recording the above position. Though obvious, it is made clear that aforesaid individual appointed as sole arbitrator shall enter upon reference and adjudicate upon arbitral disputes that have arisen between the parties and pass an award in accordance with A and C Act.

M.SUNDAR.J.,
sli

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

26.02.2020

Speaking Order/Non-Speaking Order
Index : Yes/No
Internet: Yes/No
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