

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 14.08.2020

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISHKUMAR

O.P.No.182 of 2020 and
O.P.No.251 of 2020

M/s Ancl & Co (India) Pvt. Ltd.
Engineers, Builders & Interior Decorators
rep. by its authorized Signatory
Mr.Kamar Abid Zaidi, s/o Nabi Haider Zaidi,
having office at 252-C, 2nd floor,
Sant nagar, East of Kailash,
New Delhi 11065 ... Petitioner

Vs.

M/s Bharat Heavy Electricals Ltd.
rep. by its Additional General Manager
PS-Southern Region No.690, Anna Salai,
Nandanam, Chennai 600 035. ... Respondent

Prayer in O.P.No.182 of 2020: Petition filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 to appoint an arbitrator and refer all disputes arising out of the agreement No.BHEL: PSSR: SCT: 1388 dated 01.11.2010 to Arbitration.

Prayer in O.P.No.251 of 2020: Petition filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 to appoint an arbitrator and refer all disputes arising out of the agreement No.BHEL: PSSR: SCT:1360(2) dated 16.07.2010 to Arbitration.

For Petitioner : Ms.N.V.Venkatesan
For Respondent : M/s M.V.Sivanthi
for M/s Fox Mended Associates

Order

Both the petitions have been filed for appointment of Arbitrator to enter upon the dispute between the parties.

2. The dispute between the parties is arising out of the civil contract work. The contention of the learned counsel appearing for the petitioner is that despite completion of work, the respondent has not paid the amount for the final bills.

3. The learned counsel appearing for the respondent has no objection in appointing an Arbitrator in this matter and has suggested Hon'ble Mr.Justice K.K.SHASHIDARAN (retired Judge), Madras High Court to enter upon the reference. The learned counsel for the petitioner has also no objection for the same.

4. Accordingly, it is ordered as follows:

i) That Hon'ble Mr.Justice K.K.Sasidharan,(Retired Judge) No.1-A, 'Vrudhi', No.867, Poonamallee High Road, (Opposite to G3, Kilpauk Police Station), Sangam Theatre Junction, Kilpauk, Chennai-10, contact No.25340025 be and is hereby appointed as Arbitrator in both petitions to enter upon reference and adjudicate the disputes inter se the parties.

ii) That the learned Arbitrator appointed herein, shall after issuing notice to the parties and upon hearing them, pass an award as expeditiously as possible, preferably within a period of six months from the date of receipt of the order.

iii) That the learned Arbitrator appointed herein shall be at liberty to fix his remuneration and other incidental expenses, which shall be borne by the parties equally.

iv) That the Arbitration proceedings shall be conducted under the aegis of the Madras High Court Arbitration Centre and in accordance with the Madras High Court Arbitration Rules.

5. The Original Petitions are ordered accordingly, leaving the parties to bear their own costs.

14.08.2020

Index: Yes/No

Internet: Yes/No

Speaking/non speaking Order

mst

Order dated : 23.09.2020

N.SATHISH KUMAR, J.

These Original Petitions are listed today under the caption “for being mentioned”.

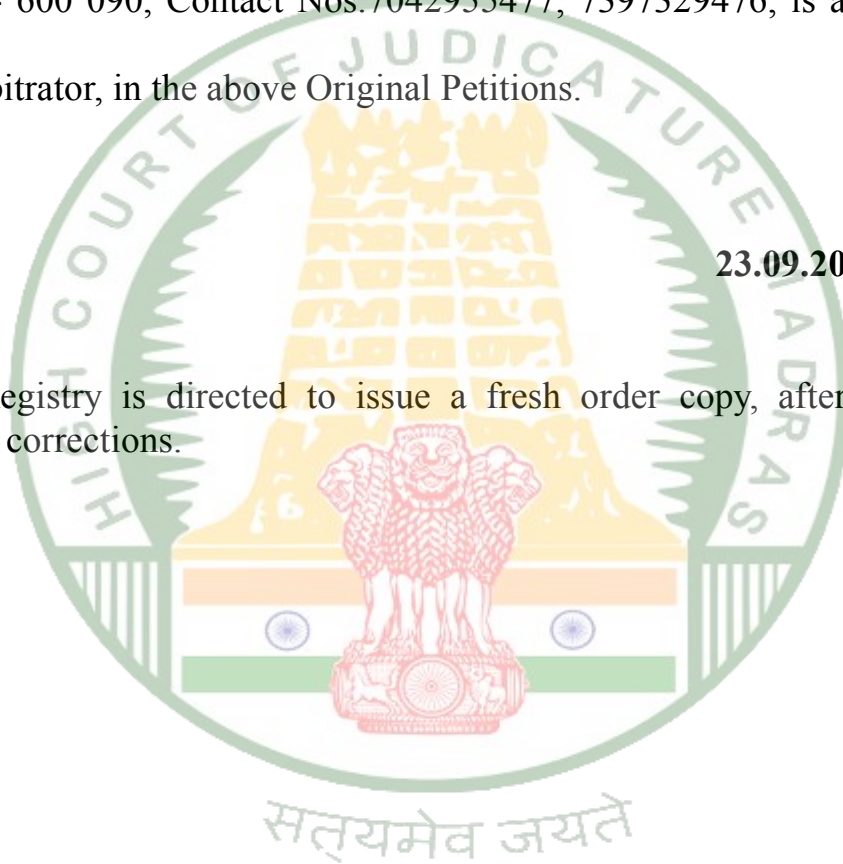
2. It is submitted by the learned counsels that Hon'ble Mr.Justice K.K.Sasidharan, who was originally appointed as Arbitrator is expressing his difficulty in continuing these matters and hence, some other Judge has to be appointed as Arbitrator in his place.

3. Accordingly, in his place, Hon'ble Mrs.Justice R.BANUMATHI, Judge (Retired) Supreme Court of India, residing at Flat No.1N, Kgeyes Eternity, Parvati Street, Kalashetra Colony, Besant Nagar, Chennai - 600 090, Contact Nos.7042955477, 7397329476, is appointed as the Arbitrator, in the above Original Petitions.

23.09.2020

sri

Note: Registry is directed to issue a fresh order copy, after making necessary corrections.

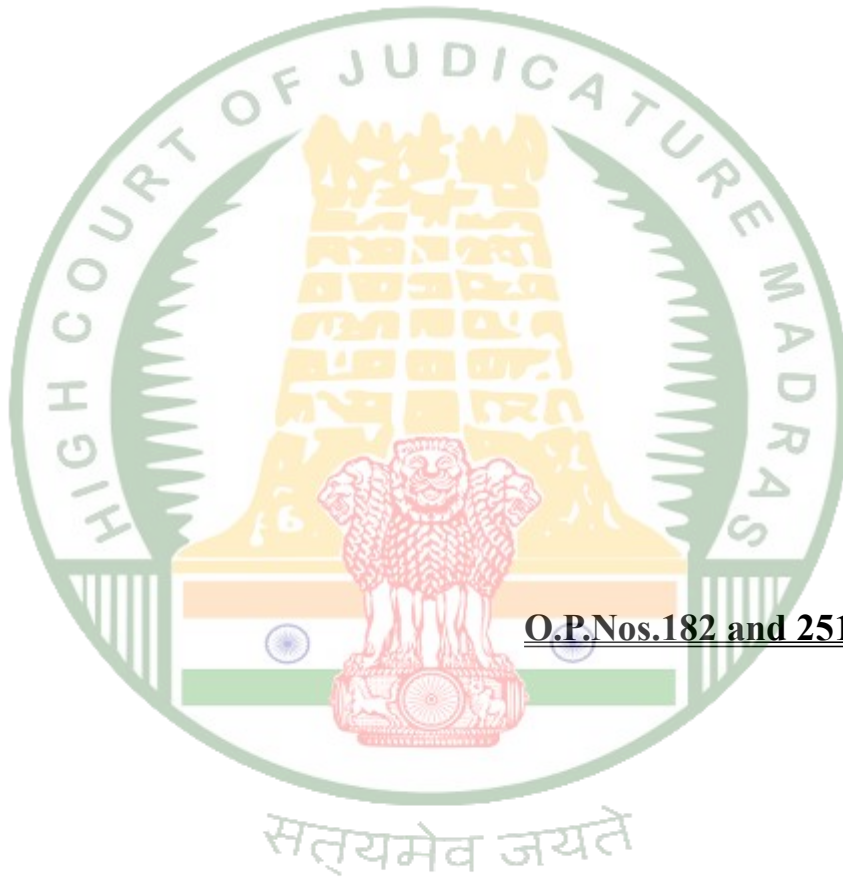


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*O.P.No.182 of 2020 and
O.P.No.251 of 2020*

N.SATHISH KUMAR, J.

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O.P.Nos.182 and 251 of 2020

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23.09.2020