

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 15.09.2020

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISHKUMAR

O.P.No.70 of 2020

SRC Company INFRA PVT. Ltd.
Flat No.704, 7th Floor, A. Block,
The Platina Building, Beside Radisson Hotel,
Gachibowli, Hyderabad 500 032. Petitioner

Vs.

1. Union of India,
Rep. by the General Manager,
Southern Railway, Headquarters Office,
Park Town, Chennai 600 003.
2. The Chief Engineer, (Construction),
Office of the Chief Administrative Officer,
Southern Railway, Egmore, Chennai-8. Respondent.

Prayer : Petition filed under Section 11(4) of the Arbitration and Conciliation Act, 1996 to appoint an Arbitrator and refer all disputes arising out of the agreement No.Dy.CE/CN/CAN/HQ/ 11/2010 dated 19.03.2010 to Arbitration.

For Petitioner : Mr.P.Rajasekaran

For Respondent : Mr.P.T.Ramkumar,

Standing counsel for Railways

ORDER

This petition has been filed seeking for appointment of a sole Arbitrator to enter upon the dispute between the parties, under the agreement dated 19.03.2010.

2. It is the contention of the learned counsel for the applicant that despite final bills have been filed, the same were rejected by the respondent on the ground that the above bills were waived by the applicant, as per Clause 64(I) (IV) of the General Conditions of Contract.

3. The learned counsel appearing for the respondent submitted that all the bills produced by the applicant were already been rejected.

4. At this stage, this court cannot decide whether the bills of the applicant have been waived or not and it is to be decided only by the Arbitrator by entering upon the reference. Since the contract provided for reference of the arbitrator and the parties are also governed by the contract, this court is of the view that appointment of an Arbitrator is necessary in this matter.

5. Accordingly, by consent of both the counsels, it is ordered as follows:

i) That Hon'ble Mr.Justice N.AUTHINATHAN (retired), No.37, A-Block, Lakshmi Nivas, Marshalls Road, Egmore, Chennai-8 Contact No.9445508822, be and is hereby appointed as Arbitrator to enter upon the 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.

6. The Original Petition is ordered accordingly, leaving the parties to bear their own costs.

सत्यमेव जयते

15.09.2020

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Index: Yes/No

Internet: Yes/No

Speaking/non speaking Order

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N. SATHISHKUMAR, J.

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