

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.08.2020

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

Original Petition No.256 of 2020

M/s.RPN Engineers Chennai Pvt. Ltd.,
M-60, 9th Street,
Anna Nagar East,
Chennai-600 102. ... Petitioner

versus

1. The Union of India,
represented by the General Manager,
Southern Railway,
Head Quarters Office,
Park Town, Chennai-600 003.
2. The Deputy Chief Engineer,
Construction/MAS I,
Southern Railway,
Near My Lady's Garden,
Park Town, Chennai-600 003. ... Respondents

PRAYER: Original Petitions have been filed under Section 11 (6) of
Arbitration and Conciliation Act, 1996 to appoint an arbitrator.

For Petitioner : Mr.A.Vikash

For Respondents : Mr.P.T.Ramkumar
Standing Counsel

ORDER

This Original Petition has been filed by the applicant for appointment of an independent and impartial arbitrator to resolve the dispute raised by the applicant as per the agreement entered between the petitioners and the respondent.

2. Though the arbitration governed by the Act, Clause 63 of General Conditions of the contract provides that the moment the dispute arose, the application has been received for appointment or nominating Arbitrator, the Railways has to nominate the proposed arbitrator and the decision of the Railway authority shall be final. It appears that the applicant has requested a panel of Arbitrators by letter dated 26.12.2019, which has been acknowledged by the respondent on 27.12.2019. However, there is no materials available on record to show that the Railways had furnished the panel of arbitrators to be selected by the applicant till date.

3. In such view of the matter, though the petitioner has invoked the arbitration proceedings by letter dated 26.12.2019, till now, the panel of arbitrator has not been furnished. Hence, having regard to the Agreement dated 27.05.2015 entered into between the parties, it is ordered as follows :

i) Honourable Mr. G.CHOCKALINGAM, Judge, (Retired), High Court, “Sri Krishna”, Plot No.18 and 19, Bharathiyar Road, Vallalar Nagar, Nanthivaram Village, Guduvancherry, Annai Anjugam Nagar Post, Chengalpattu Taluk, Kancheepuram District – 603 211 Contact No.94443 95789 is appointed as the Arbitrator to enter upon reference and adjudicate the disputes *inter se* the parties.

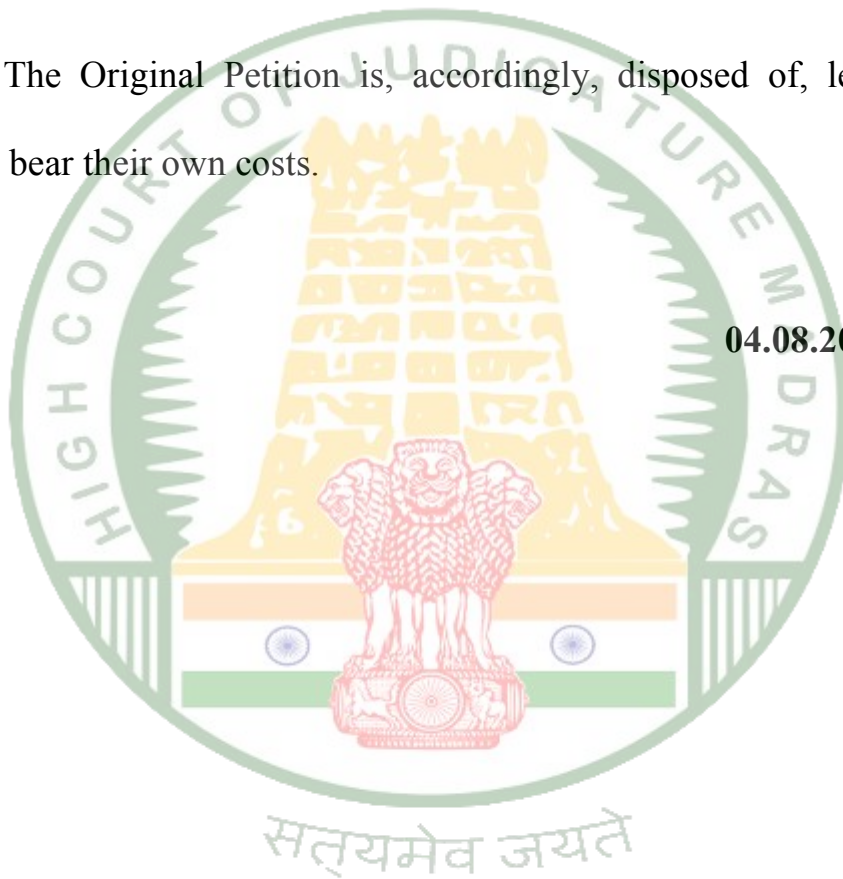
ii) The learned Arbitrator may, after issuing notice to the parties and upon hearing them, pass an award as expeditiously as possible, preferably within a period of six months from the date of receipt of the order.

iii) The learned Arbitrator is at liberty to fix his remuneration and other incidental expenses and the same shall be equally borne by the parties.

iv) 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, accordingly, disposed of, leaving the parties to bear their own costs.

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N.SATHISH KUMAR, J.

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