

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2020

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

Original Petition No.374 of 2020

M/s.Myran's Infrastructures,
Rep. by its Proprietor, P.Senthil Kumar,
No.34, Mosuvanna Street,
Erode - 638 001. ... Petitioner

versus

1.The Union of India,
Rep. by the General Manager,
Southern Railway,
Park Town, Chennai - 600 003.
2.The Chief Engineer (Construction),
Southern Railway, Office of the CAO,
Periyar EVR High Road, Egmore,
Chennai - 600 008. ... Respondents

Prayer: Petition filed under Section 11(6) of the Arbitration and Conciliation Act, 1996, to appoint Arbitrators and refer all the claims and disputes arising out of the contract bearing the respondents' 'Letter of Acceptance No.W.496/PBW/390/CN/(7949) dated 05.04.2018' to Arbitration.

For Petitioner : Mr.Amalaraj
For Respondents : Mr.P.T.Ramkumar
Standing Counsel for Railways

ORDER

This Original Petition has been filed for appointment of Arbitrator to resolve the disputes between the petitioner and the respondents arising out of the Contract dated 05.04.2018.

2. Heard the learned counsel for the petitioner and the learned counsel for the respondents through video conferencing.

3. The learned counsel appearing for the petitioner submitted that in the Contract, there is a clause which is agreed between the parties to refer the dispute to the Arbitrator.

4. It is the contention of the learned counsel for the petitioner that despite the letter dated 10.02.2020 requesting to nominate the arbitrator, the respondents have not nominated the arbitrator.

5. In such view of the matter, this Court is inclined to appoint Mr.C.Manickam, a retired District Judge, to enter reference in the matter. Both sides have no objection for appointing Mr.C.Manickam, District Judge [Retired], to enter reference in the matter.

i) Accordingly, Mr.C.Manickam, District Judge [Retired], Address: No.22, First Floor, Raj Enclave, Lakshmi Nagar, VI Street, Jalladianpet, Medavakkam, Chennai - 600 100, Mobile No.80984 78135, 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, which shall be borne by the parties equally.

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

23.09.2020

Speaking Order / Non-speaking Order

Index : Yes / No

Internet : Yes

sri

To

Mr.C.Manickam,
District Judge [Retired],
No.22, First Floor, Raj Enclave,
Lakshmi Nagar, VI Street,
Jalladianpet, Medavakkam,
Chennai - 600 100.



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N.SATHISH KUMAR, J.

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