

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date 01.09.2020

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

O.P.No.369 of 2020

Karismaa Foundations Private Limited,
Represented by its Director Mr.C.Rajesh,
No.340, 1st Sound Main Road,
Kapaleeswarar Nagar, Neelankarai,
Chennai – 600 115. Petitioner

Versus

S & P Foundation Limited,
TPL House, 2nd Floor, No.3 Cenotaph Road,
Teynampet, Chennai – 600 018. Respondent

PRAYER : Petition filed under Order 1 Rule 10(2) of C.P.C. R/w. Section 14(2) and Section 11(6) of Arbitration and Conciliation Act, 1996 to appoint an presiding arbitrator to resolve the disputes arising out of Turnkey Agreement dated 05.10.2012 between the petitioner and the respondent.

For petitioner : Mr.Vaibhav R.Venkatesh

For respondent : Mr.Kalyan Jhabakh

ORDER

This application has been filed to appoint a presiding arbitrator arising out of Turnkey Agreement dated 05.10.2012 between the petitioner and the respondent.

2. The undisputed fact is that the arbitral tribunal has already been constituted and on the side of the petitioner Honourable Justice Mr.N.V.Balasubramanian has been appointed and the respondent herein nominated Honourable Justice Mr.T.N.Vallinayagam and both of them have appointed Honourable Justice Mr.K.Sampath. After constitution of the Arbitral Tribunal Honourable Justice Mr.K.Sampath passed away on 07.12.2016 and subsequently, Honourable Justice Mr.N.V.Balasubramanian also passed away in the month of November, 2018. In the place of Honourable Justice Mr.N.V.Balasubramanian Honourable Justice Mr.M.Jaichandran has been appointed as an arbitrator. This petition has been filed for appointment of the presiding arbitrator.

3. The learned counsel for both sides submitted that the arbitration proceedings is in concluding stage and it is posted for hearing of the arguments and thereafter, Order has to be pronounced.

4. Considering the submissions of both sides, it is ordered as follows:

i) Honourable Justice Mr.N.Paul Vasanthakumar, “Ashirvadh”, No.24-A, II Street, Kamaraj Avenue, Adyar, Chennai – 20 is appointed as the Presiding Arbitrator to enter upon reference and adjudicate the matter.

ii) That the Arbitral Tribunal shall 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 Presiding Arbitrator appointed herein shall be paid fees as agreed to be payable to other arbitrators per every sitting. Same shall be borne by the parties equally.

5. This Original Petition is ordered accordingly, leaving the parties to bear their own costs.

01.09.2020

Index : Yes / No

Internet: Yes

Speaking/non speaking order

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N. SATHISH KUMAR, J.

vrc



order in:

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