

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.12.2020

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

O.P.No.452 of 2020

Mr. K. Venkataraju

... Petitioner

Vs

1. The Union of India,
Represented by the General Manager,
Southern Railway, Head Quarters Office,
Park Town, Chennai - 3.

2. The Chief Engineer (Construction),
Office of the CAO/Construction, Souther Railway,
Construction Office, Egmore, Chennai- 8.

3. The Deputy Chief Engineer (GC-II),
Southern Railway, Tiruchchirappalli,
Tiruchchirappalli - 620 001.

4. Selvi R. Sujatha
District Judge (Retd),
No.B/88, 6th Street, Periyar Nagar,
Chennai - 82.

... Respondents

Prayer : Original Petition filed under Sections 14, 15 R/W -11 (6) of the Arbitration and Conciliation Act, 1996 praying to
a) Terminate the mandate of the Present Arbitrator, namely the Fourth respondent herein and appoint another Arbitrator in her place to arbitrate the disputes arising out of the Agreement No:87/CN/97 dated 12/3/1997.

b) Direct the respondents to pay the cost of the Petition.

For Petitioner : M/s. P.S. Amala Raj

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

ORDER

The above Petition is filed for appointing an Arbitrator to resolve the disputes between the parties in respect of the Agreement No:87/CN/97 dated 12.03.1997. It appears that originally this court had appointed Late Hon'ble Ms. Justice K. Suguna, (Retd.), as a Sole Arbitrator by order dated 25.10.2016. After her demise, One Ms. R. Sujatha, District Judge (Retd), was appointed as the Sole Arbitrator to enter upon the reference and adjudicate the disputes inter se the parties by order dated 05.01.2018. It is informed that even this Arbitrator did not enter upon reference and the

attempts to reach out her were also futile. Under these circumstances, the present petition has been moved.

2. When the matter came up today, Mr.P.T. Ramkumar, learned counsel appearing on behalf of the respondent also has no objection to another Arbitrator being appointed and left the choice of Arbitrator to this Court.

3. Accordingly, it is ordered as follows:

(i) Hon'ble Mr. Justice K. Mohanram, (Retd.) , Former Judge, Madras High Court, "ISHANA", Plot No.15 B, Radiant Avenue, 5th Street, VGP Golden Beach Layout, Injambakkam ECR, Chennai- 600 115, (M)-9444464646, is appointed as the Arbitrator to resolve the disputes.

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. It is open to the respondent to raise all legal objections as to the validity of contract.

iii) The learned Arbitrator is at liberty to fix his remuneration and other incidental expenses as per law.

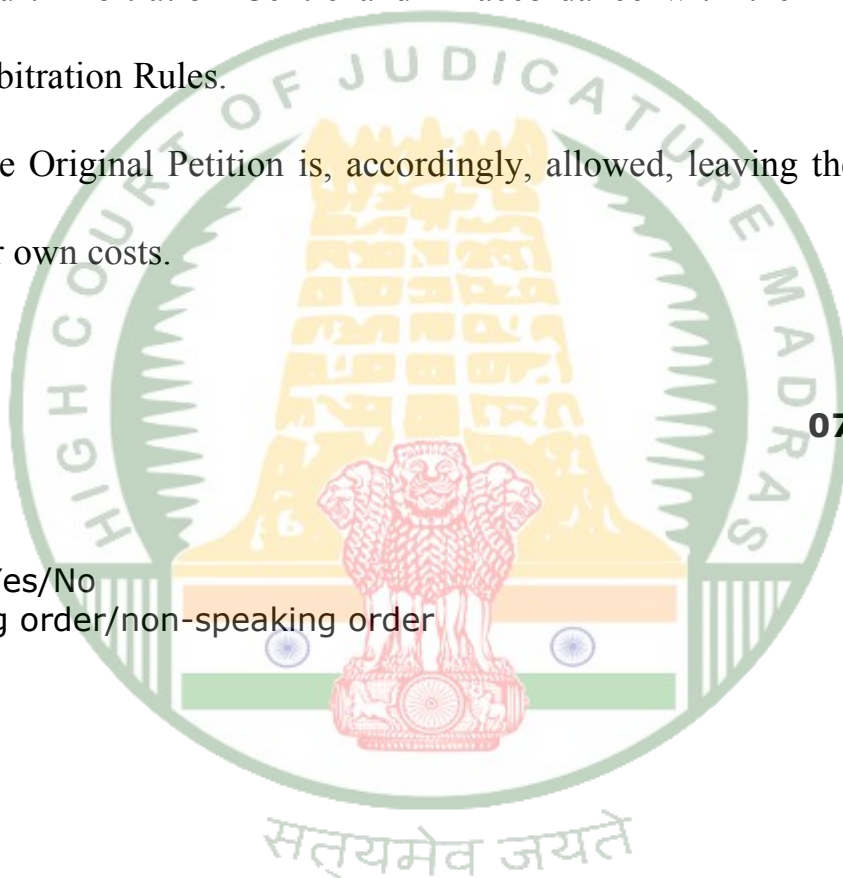
iv) The proceedings may be conducted under the aegis of the Madras High Court Arbitration Centre and in accordance with the Madras High Court Arbitration Rules.

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

07.12.2020

mrn

Index : Yes/No
Speaking order/non-speaking order



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To,

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P.T.ASHA, J.

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