

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.08.2020

CORAM :

THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR

O.P.No.757 of 2019

M/s.Vijay Nirman Company Pvt.Ltd.,
Rep.by its Sr.Manager (F&A), Sri.N.Bapiraju
No.105, 7th Main, 4th Cross
MLA Layout, RMV 2nd stage
Near KKR Vajra Apartments,
Bangalore 560 094.

... Petitioner

Vs.

1. The General Manager
Southern Railway,
Park Town, Chennai 600 003.
2. Chief Administrative Officer,
CN & MTP, Periyar EVR High Road,
5th floor, Construction Complex,
Egmore, Chennai 600 008.
3. Dy.CE/Stores/CN/MS
MTP (Railways) Chennai
Periyar EVR High Road, 5th floor
Construction Complex,
Egmore, Chennai 600 008.

... Respondents

PRAYER: Petition filed under Section 11(6) of Arbitration and Conciliation Act, 1996 praying to appoint an arbitrator as this Court may deem fit under Section 11(6) (a) of the Arbitration and Conciliation Act, 1996 and in accordance with Clause 64 (3) of the General Conditions of Contract forming part of Contract agreement dated 07.01.2009 to resolve the disputes that has arisen between the petitioner and the

respondent and to direct the respondent to pay the cost of this petition.

For Petitioner : M/s.P.Vasudevan

For Respondent : Mr.P.T.Ramkumar
Standing counsel

ORDER

This petition has been filed to appoint an arbitrator under Section 11(6) (a) of the Arbitration and Conciliation Act, 1996 and in accordance with Clause 64 (3) of the General Conditions of Contract forming part of Contract agreement dated 07.01.2009 to resolve the disputes that has arisen between the petitioner and the respondent and also to direct the respondent to pay the cost of this petition.

2. The petitioner wanted two arbitrators to be nominated to resolve the dispute between them. Pursuant to the order dated 11.10.2019, the respondent Southern Railway has furnished the names of the officers to the petitioner for adjudicating the dispute between them and requested to select any two officers from the given list. Accordingly petitioner nominated Mr.M.Satheesh and Mr.B.N.Rao as arbitrators from the given list.

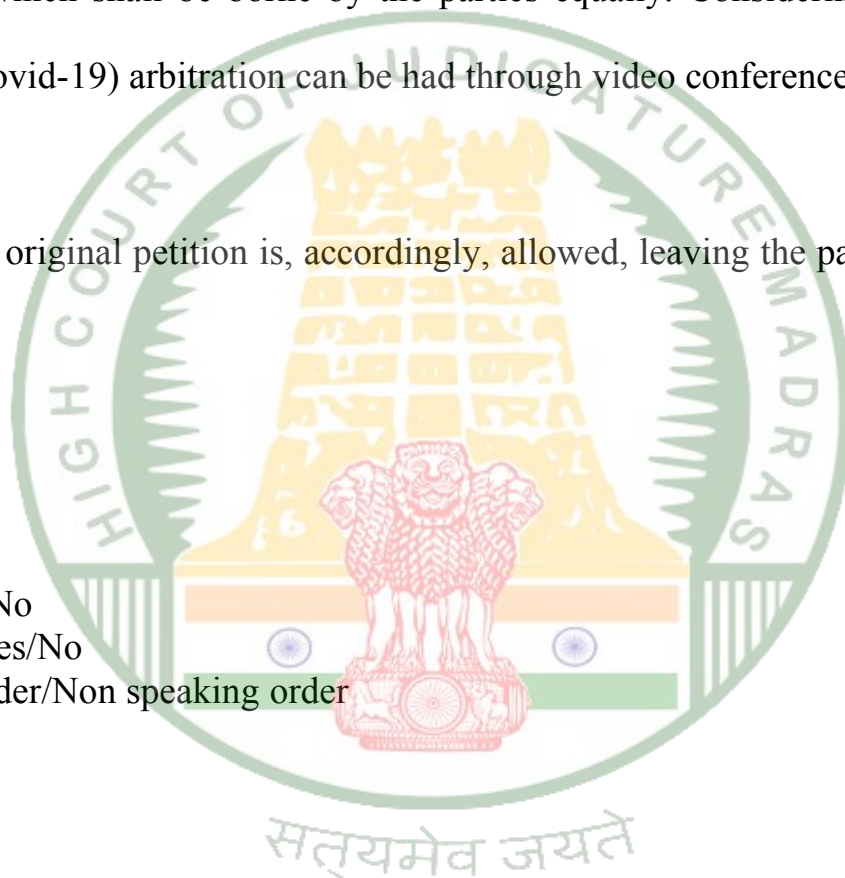
3. Considering the above aspect, this Court is of the view that one more arbitrator can be added to constitute the Tribunal, accordingly Mr.Daniel Thomas Retd., CAO/CN/ERS, Mr.M.Satheesh Retd., PCE/Srly and Mr.B.N.Rao Retd., FA &

CAO/Srly are appointed as arbitrators consisting of Presiding Officer to enter upon the reference and 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. Fees of the learned Arbitrator shall be as per the schedule of the act, which shall be borne by the parties equally. Considering the prevailing situation (Covid-19) arbitration can be had through video conference.

4.The original petition is, accordingly, allowed, leaving the parties to bear their own costs.

18.08.2020

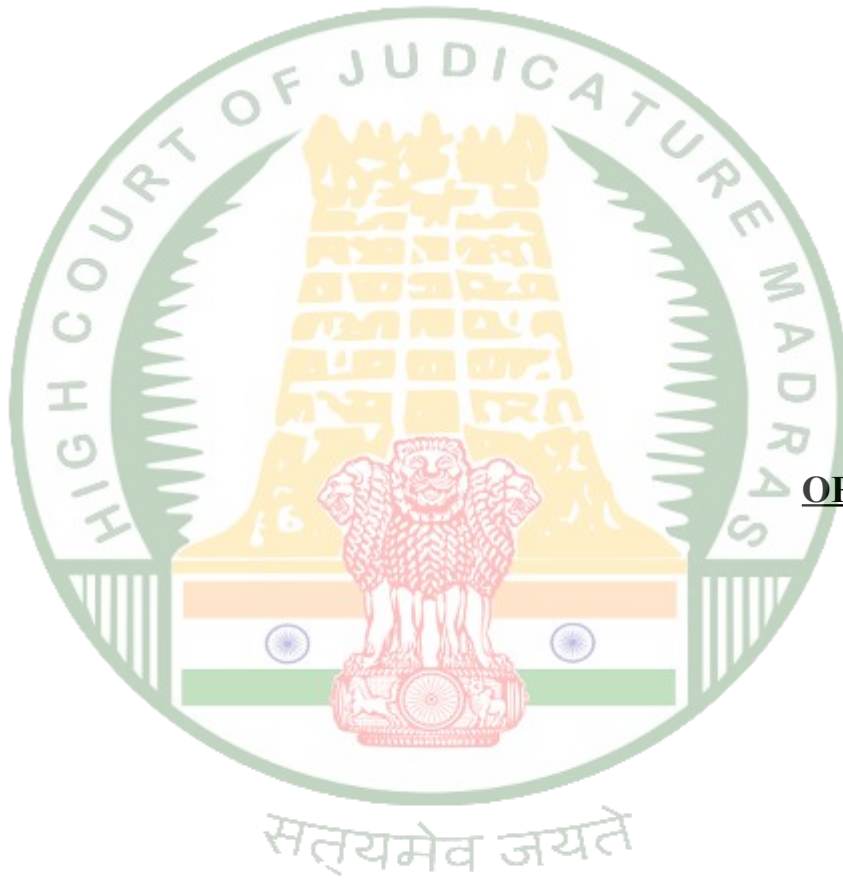
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N.SATHISH KUMAR, J.

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OP.No.757 of 2019

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18.08.2020