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O.P.Nos.807 & 808 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2020

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THE HONOURABLE MR.JUSTICE N.SATISHKUMAR

O.P.Nos.807 & 808 of 2019

M/s.C.Doctor & Company Private Limited,
Rep. by its General Manager – Marketing
Authorised Signatory Mr.S.Thiyagu
No.10, Cowley Brown Road,
R.S.Puram, Coimbatore.

.. Petitioner

Vs.

BGR Energy System Ltd.,
Having its Corporate Office at
No.443, Anna Salai,
Teynampet, Chennai – 600 018.

.. Respondent

* * *

Prayer : Petitions filed under Section 11 (5) of the Arbitration and Conciliation Act, 1996, praying to appoint a Sole Arbitrator to resolve the disputes that had arisen between the petitioner and the respondent in accordance with Clause 14.0.0 of the Purchase Order No.3500003803 dated 19.01.2012 and the service Order No.3300008734 dated 19.12.2012 read with clause 12.1.0 (12.2.10) of the General Conditions of Contract – Supplies of the respondent company and Purchase Order No.3500001797



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dated 23.02.2010 which was revised on 12.08.2011 and the Service Order No.3300003782 dated 01.03.2010 which was revised on 04.10.2012 read with clause 12.1.0 (12.2.10) of the General Conditions of Contract – Supplies of the respondent company.

* * *

For Petitioner : Mr.Rathina Asokan – in both petitions

For Respondent : Mr.D.Ravichander

COMMON ORDER

The petitioner has filed these Original PetitionS seeking appointment of a Sole Arbitrator to resolve the disputes that had arisen between the petitioner and the respondent in accordance with Clause 8.0.0 of the revised purchased Order Nos. 3500003803 dated 19.01.2012 and 3500001797 dated 23.02.2010.

2. The learned counsel for the respondent has no objection for appointment of a Sole Arbitrator to resolve the dispute between the petitioner and the respondent.

3. Heard the learned counsel for the petitioner and the respondent



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and the materials available on record.

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4. A perusal of the revised purchase Orders, it is seen that clause 8.0.0 makes it clear that the parties are subject to arbitration and the said clause is binding on the parties to refer the dispute.

5. Considering the submissions of the learned counsel for the applicant and the clause 8.0.0 of the revised the purchase orders, Mr.J.Krishnamurthy, District Judge (retired), 2D, Netech Krishma, I Floor, 37, Soundararajan Street, T.Nagar, Chennai – 17 [Mobile : 9442092363] is appointed as the Sole Arbitrator to enter upon reference and adjudicate the disputes inter se the parties. 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. The learned Arbitrator is at liberty to fix his remuneration and other incidental expenses. The proceedings shall be conducted preferably in the Madras High Court Arbitration Centre and in accordance with the Madras High Court Arbitration Rules. The appointment of the Arbitrator will be subject to the disclosure and declaration made, as per the Sixth



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Schedule to the Arbitration and Conciliation Act, 1996 coupled with the amendments made therein.

6. The Original Petition is ordered accordingly. The parties shall bear their own costs.

12.03.2020

vrc

Index : Yes / No

Internet : Yes

Speaking Order/Non-Speaking Order

Note : The registry is directed to communicate a copy of this Order to :

Mr.J.Krishnamurthy,
District Judge (retired),
2D, Netech Krishma, I Floor,
37, Soundararajan Street,
T.Nagar,
Chennai – 17.
[Mobile : 9442092363]



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N.SATHISH KUMAR, J.

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