

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2020

CORAM

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

O.P.No.936 of 2019

M/s.J.S.Catters,
Rep. by its
Managing Partner, K.M.Mustafa,
No.9/186, EMM Main Street,
Chennimalai, Opp Railway Station,
Erode - 638 001. .. Petitioner

vs.

Indian Railway Catering and Tourism
Corporation Limited (IRCTC),
(A Government of India Enterprise),
6-A, The Rain Tree Place,
MC Nichols Road,
Chennai - 600 031 - South Zone. .. Respondent

Prayer : Petition filed under Section 14 and 15 of the Arbitration and Conciliation Act, 1996, praying to (a) terminate unilateral mandate given to the respondent's former employee to act as Arbitrator, (b) to appoint independent and neutral Arbitrator and refer all the disputes arising out of the tender agreement entered between the petitioner and the respondent dated 09.03.2015 to Arbitration within the Jurisdiction of Chennai and (c) direct the respondent to pay the cost of the petition.

For Petitioner : Mr.M.Balasubramanian

For Respondent : Mr.V.G.Suresh Kumar

ORDER

The petitioner has filed this Original Petition to terminate unilateral mandate given to the respondent's former employee to act as Arbitrator and also to appoint independent and neutral Arbitrator in respect of the dispute between the parties.

2. The petitioner infact participated in the tender dated 09.03.2015 for Fast Food Unit at Egmore Railway Station (2nd entry), Chennai. As dispute arose between the petitioner and the respondent, the respondent has appointed a former employee to act as an Arbitrator, which is in dispute. Challenging the same, the present application is filed.

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

4. The learned counsel appearing on both sides fairly conceded that former Chief Justice of Jharkhand High Court Mr.Vinod Kumar Gupta shall be appointed as an Arbitrator in the present case.

5. Considering the submissions of the learned counsels on either side, Justice Mr.Vinod Kumar Gupta (retired), E-31, Jangpura Ext., New Delhi - 110 914 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 remuneration shall be fixed as per the structure described by the Indian Railways and as per contract. The proceedings shall be conducted preferably in the Zonal Head Quarters, Chennai. The appointment of the Arbitrator will be subject to the disclosure and declaration made, as per the Sixth Schedule to the Arbitration and Conciliation Act, 1996 coupled with the amendments made therein.

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

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Index : Yes / No

N.SATHISH KUMAR, J.

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

Mr.Vinod Kumar Gupta (retired Judge),
E-31, Jangpura Ext., New Delhi - 110 914



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