

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.08.2020

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

O.P.No.1108 of 2018

M/s.P.S.Bedi & Company Ltd.,
D 14/1 and 2 QKHLA Industrial Area Phase I,
New Delhi – 110 020. ... Petitioner

Vs.

1.M/s.Indian Oil Corporation Ltd.,
Marketing Division,
Southern Region,
Indian Oil Bhavan,
139 Uthamar Gandhi Road,
Nungambakkam High Road,
Chennai – 600 034.

2.S.Chandrasekar,
Arbitrator,
Indian Oil Corporation Ltd.,
Marketing Division,
Southern Region,
Indian Oil Bhavan,
139 Uthamar Gandhi Road,
Nungambakkam High Road,
Chennai – 600 034.

... Respondents

Prayer: Original Petition filed under Sections 14, 15 and 11(6) of Arbitration & Conciliation Act, 1996, as amended by Act 3 of 2016 to terminate the mandate of Sri.S.Chandrasekar, Sole Arbitrator in terms of Sections 14 and 15 read with Schedule VII of Arbitration and Conciliation Act, 1996, as amended by Act 3 of 2016 and appoint a fresh Arbitrator to resolve the dispute which has arisen on the tender dated 07.06.2010.

For Petitioner : Mr.S.Vasudevan

For R1 : Mr.Mohamed Fayaz Ali

ORDER

This Original Petition has been filed to terminate the mandate of Sri.S.Chandrasekar, Sole Arbitrator, the 2nd respondent herein, and to appoint a fresh Arbitrator to resolve the dispute which has arisen between the parties with regard to tender dated 07.06.2010.

2.Heard the learned counsel appearing for the petitioner as well as the 1st respondent.

3. Since several allegations were raised against the 2nd respondent during the course of the arguments before this Court, this Court, on 12.08.2020, expressed its opinion to explore the possibility of appointing an independent Arbitrator, and the learned counsel for the 1st respondent sought time to get instructions from his client.

4. Today, when the matter was taken up for hearing through video conferencing, the learned counsel appearing on either side, on instructions from their clients, in unison, agreed for appointment of an independent Arbitrator and they suggested the name of Mr.C.Raghavan, District Judge (Retd.), residing at No.3, Ponnusamy Street, Royapettah, Chennai – 600 014, to be appointed as new Arbitrator.

5. In view of the above, the mandate of the earlier Arbitrator, the 2nd respondent herein, is terminated and Mr.C.Raghavan, District Judge (Retd.), residing at No.3, Ponnusamy Street, Royapettah, Chennai – 600 014 (Mobile

Nos.:9444219663, 8903619663) is appointed as an independent Arbitrator to resolve the dispute between the parties with regard to the tender dated 07.06.2010. His fees shall be fixed as per the Arbitration and Conciliation (Amendment) Act, 2015, and both parties shall bear the expenses.

6.The newly appointed Arbitrator shall enter reference and continue the arbitral proceedings from the stage where it stopped earlier, and shall complete the proceedings within a period of six months from the date of referral of the matter.

Accordingly, this Original Petition is disposed of. No costs.

17.08.2020

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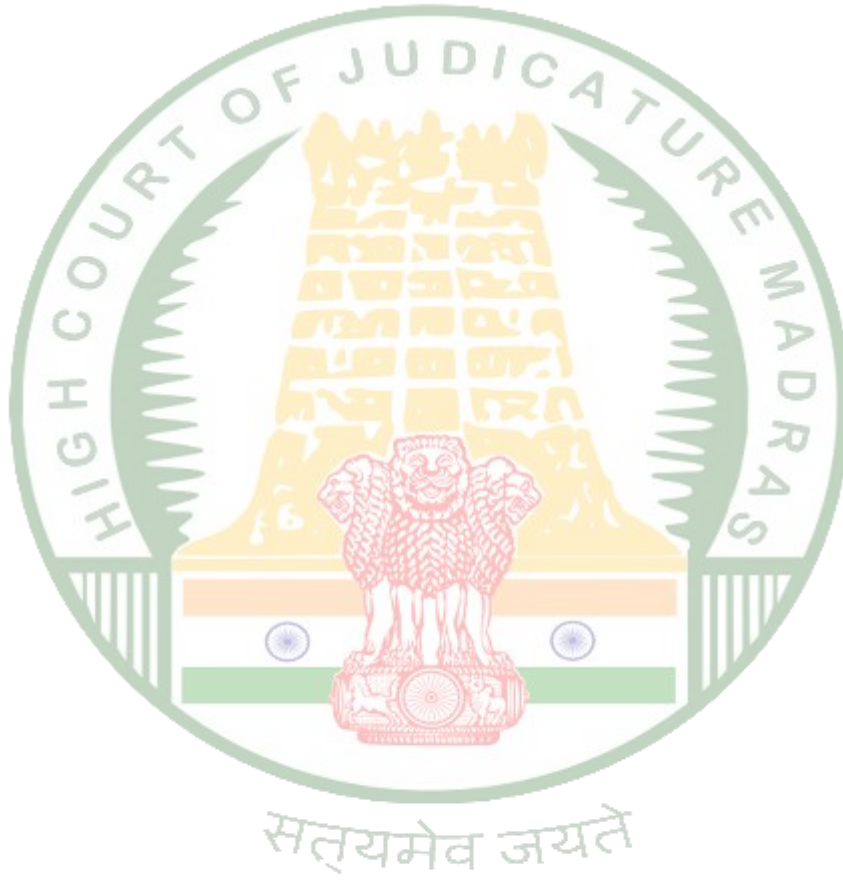
Copy to :

Mr.C.Raghavan,
District Judge (Retd.),
residing at
No.3, Ponnusamy Street,
Royapettah,
Chennai – 600 014
(Mobile Nos.: 9444219663, 8903619663)

Internet : Yes

Index : Yes / No

Speaking order / Nonspeaking order



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N.SATHISH KUMAR, J.

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