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IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

MONDAY, THE 5TH DAY OF JULY, 2021

THE HON'BLE MR. JUSTICE N. SATHISH KUMAR

O.P. No.811 of 1998

In the matter of Arbitration of Act &
In the matter of an Arbitration
agreement dated 30/11/1991 between
M/s. Bakthi Constructions & The
Union of India Rep. by Chief Engineer
(AIRFORCE) Bangalore.

M/s. Bakthi Constructions
No. 43/A Gandhi Road
Stuartpet, Arakkonam
Vellore District.

***Rep. by its Managing Partner**
A.V. Ananda Babu

...Petitioner

**(*Amended as per Order, dated 25/01/2021 in
A.No.111 of 2021)**

Vs

1. The Union of India
Rep. By the Chief Engineer (Air Force)
No.2 DC Area MES Road
Yeshwantpur (P.O.)
Bangalore 560 022.

2. The Engineer-in-Chief
Army Head Quarters
Engineering Branch
Kashmir House
DHQ PC, New Delhi 110 011.

3. **BRIG T.K.Mittal**
Sole Arbitrator



Panel of Arbitrators (Chandigarh)
GE Chandimandir Office Complex
Chandimandir -134 107, Haryana.

...Respondents

Original Petition praying that this Hon'ble Court be pleased APPOINT an INDEPENDENT ARBITRATOR to decide the 11 claims submitted by the petitioner in its letter dated 25-10-1996 to the 2nd respondent.

This Original Petition coming on this day before this court for hearing through video conferencing in the presence of Mr. G. Jermiah, advocate for the petitioner herein and Mr. K. Subbu Ranga Bharathi, advocate for the respondents herein and upon reading the petition filed herein and the learned counsel for the respondents having submitted that he has not received any papers under section 14 of the Act and this court doth recording the said submission and this court having observed that on an earlier occasion, no stay has been granted by this court and in such a view of the matter, application for appointment of an independent arbitrator does not arise, since the award was already passed and it is ordered:-

That the O.P. No. 811 of 1998 be and is hereby dismissed and infructuous.

WITNESS THE HON'BLE JUSTICE MR. SANJIB BANERJEE, THE CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE 5TH DAY OF JULY, 2021.

Sd./-

ASSISTANT REGISTRAR (O.S.II)

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.



VF-06.08.2021

O.P. No.811 of 1998

ORDER :-

DATED: 05.07.2021

THE HON'BLE MR. JUSTICE
N. SATHISH KUMAR

FOR APPROVAL: 06.08.2021

APPROVED ON: 09.08.2021



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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 5/7/2021

C O R A M

THE HONOURABLE Mr.JUSTICE N.SATHISH KUMAR

O.P.No.811 of 1998

Bakthi Constructions
rep. By its Managing Partner
Mr.Ananda Babu
43 A Gandhi Road
Stuartpet
Arakkonam.

...

Petitioner

(Amended as per Order, dated 25/1/2021 in
A.No.111 of 2021)

Vs

1. The Union of India
rep. By the Chief Engineer (Air Force)
No.2 DC Area MES Road
Yeshwantpur (P.O)
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Army Head Quarters
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New Delhi 110 011.

3. BRIG.T.K.Mittal
Sole Arbitrator
Panel of Arbitrators (Chandigarh)
GE Chandimandir Office Complex
Chandimandir 134 107
Haryana.

...

Respondents



Original Petition has been filed under Section 11 (5) and (6) read with Section 15 of the Arbitration and Conciliation Act, to appoint an independent Arbitrator to decide the 11 claims submitted by the petitioner in its letter dated 25/10/1996 to the second respondent.

For petitioner	...	Mr.G.Jermiah
For respondents	...	Mr.K.Subbu Ranga Bharathi

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ORDER

This Original Application has been filed, to appoint an independent Arbitrator, to decide the eleven claims submitted by the petitioner, in its letter, dated 25/10/1996, to the second respondent.

2. Heard Mr.G.Jermiah, learned counsel for the petitioner and Mr.K.Subbu Rama Bharathi for the respondents.

3. When the matter was taken up for hearing, through Video Conferencing, learned counsel appearing for the respondents submitted that he has not received any papers under Section 14 of the Act. Submission of the learned counsel is recorded.

4. On an earlier occasion, no stay has been granted by this Court. In



such a view of the matter, application for appointment of an independent arbitrator does not arise, since the award was already passed.

5. Accordingly, this Original Petition has become infructuous and the same is dismissed as infructuous.

Sd./- N.S.K.J.,
05/07/2021

// Certified to be true copy//
Dated at Madras this day of 2021.

Court Officer(O.S.)
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