

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.02.2021

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

O.P.No.487 of 2020

Narne Estates Private Ltd.
Represented by its Chairman and
Managing Director
Col Ranga Rao Narne (Retd)
No. 1, Gunrock Enclave
Secunderabad - 500 009,
Andhra Pradesh

... Petitioner

R. Chandrasekharan

Vs

... Respondent

Prayer : Original Petition filed under Section 11 (6) (a) of the Arbitration and Conciliation Act, 1996 praying to appoint an independent and impartial arbitrator as provided under Clause 23 of the Memorandum of Understanding dated 15.11.2006 and Clause 21 of Procurement Agreement dated 10.08.2007.

For Petitioner : Mr. K.M.D. Muhilan

For Respondent : Ms. S. Hemalatha

ORDER

The above petition has been filed for appointing an Arbitrator to resolve the disputes arising out of the Memorandum of Understanding dated 15.11.2006 and Procurement Agreement dated 10.08.2007.

2. The respondent had filed a counter affidavit stating that an independent Arbitrator needs to be appointed to resolve the disputes giving liberty to the respondent to raise all objections before the Arbitrator including the objections relating to the non arbitrability of the dispute and violation of the terms of the Arbitration clause.

3. In the light of the above, I appoint Hon'ble Mrs. Justice Prabha Sridevan, (Retd.), as the Arbitrator. It is open to the respondent to raise all his objection relating to the non-arbitrability of the dispute before the learned Arbitrator.

4. Accordingly, it is ordered as follows:

(i) The Hon'ble Mrs. Justice Prabha Sridevan (Retd.), No.7, Krishnaswamy Iyer Avenue, Luz Church Road, Mylapore, Chennai - 4, M-9444390920, is appointed as the Arbitrator to enter upon reference and adjudicate the disputes inter se the parties.

ii) 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. It is open to the respondent to raise all legal objections as to the validity of contract.

iii) The learned Arbitrator is at liberty to fix her remuneration and other incidental expenses as per law.

iv) The proceedings may be conducted under the aegis of the Madras High Court Arbitration Centre and in accordance with the Madras High Court Arbitration Rules.

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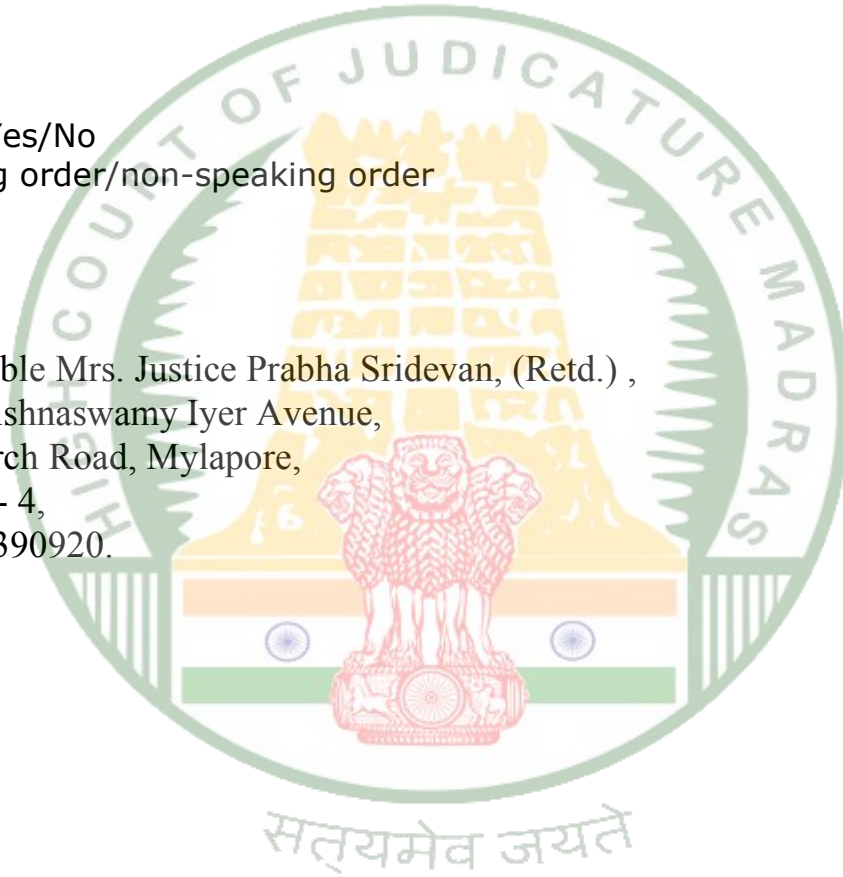
The Original Petition is, accordingly, allowed, leaving the parties to bear their own costs. Consequently connected Miscellaneous Petition is closed.

16.02.2021

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Index : Yes/No
Speaking order/non-speaking order

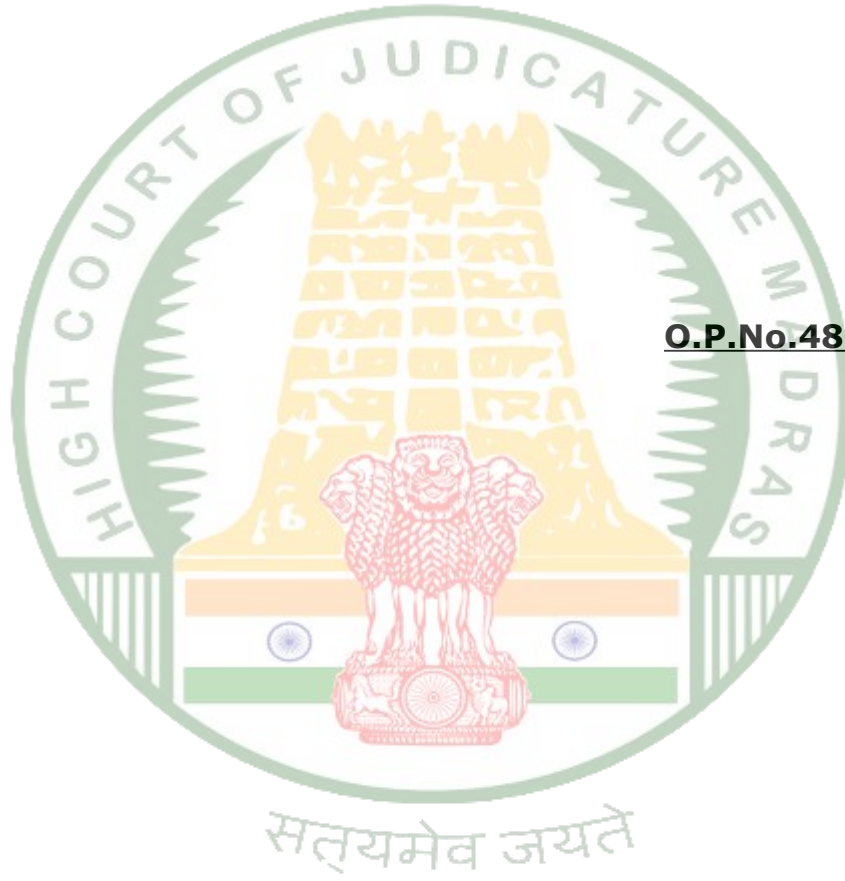
To,
The Hon'ble Mrs. Justice Prabha Sridevan, (Retd.) ,
No.7, Krishnaswamy Iyer Avenue,
Luz Church Road, Mylapore,
Chennai - 4,
M- 9444390920.



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P.T.ASHA, J.

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