

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.01.2021

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

O.P.No.590 of 2020

Rohini Prasad, Proprietor,
M/s. Rohini Prasad & Associates,
48/1783 A1, Perumbotta Road,
Elamakkara, Cochin- 682026

... Petitioner

Vs

PerunthaliavarKamaraj Medical College
Society,
Vazhudavoor Road, Kadirkamam,
Puducherry - 605 009.

... Respondent

Prayer : Original Petition filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 to appoint an Arbitrator in accordance with Section 11(6) of Arbitration and Conciliation Act, 1996.

For Petitioner : M/s. Anita Thomas

For Respondent : Sole Respondent- Set Ex-parte.

ORDER

The above Petition is filed for appointing an Arbitrator to resolve the disputes that have arisen between the petitioner and the respondent herein. The petitioner had entered into an agreement for Architectural/Engineering Consultancy Services with the respondent herein. The petitioner is the sole proprietor of M/s. Rohini Prasad and Associates registered under the MSME Act 2006. The petitioner would submit that disputes had arisen between the parties regarding payment of professional fees and pending reimbursement. The petitioner in compliance of Clause 9.2 of the Agreement had requested the Project Manager of the respondent to appoint an Arbitrator vide their letter dated 06.02.2020. However, the respondent has not taken any step in this regard. Therefore, the petitioner has been constrained to approach this Court

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2. Though private notice as well as Court notice had been served on the respondent, the respondent had not entered appearance either through counsel or through an authorised representative. Therefore, this court has set them ex parte. The Agreement for Architectural/Engineering Consultancy Services contemplates the resolution of disputes between the parties as per the terms of clause 9 therein. The dispute has been raised by the petitioner which is evident from the notice dated 06.02.2020 issued by the petitioner to the respondent in which they have called upon the Project Manager of the respondent College in keeping with the terms of Clause 9.2 to refer the matter to Arbitration.

3. The dispute between the parties is also reflected in the letter dated 01.05.2017 sent by the petitioner to the respondent followed by the Minutes of the Meeting dated 02.05.2017 between the petitioner and the respondent.

4. In the result, the petition is ordered and I appoint Thiru. D. Ramabathiran, District Judge (Retd.), 19, First Cross Street, Sri Guru

Sithanandaswami Nagar, Navarkulam, Lawspet, Puducherry -605008,
Mobile No-9443331869, Email Id- ramabathiran@gmail.com, as Arbitrator
to arbitrate the dispute between the parties. The venue and the remuneration
shall be fixed by the Arbitrator himself. The procedure shall be formulated
by him in consultation with the parties. No costs.

11.01.2021

mrn

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

To

Thiru. D. Ramabathiran,
District Judge (Retd.),
19, First Cross Street,
Sri Guru Sithanandaswami Nagar,
Navarkulam, Lawspet,
Puducherry -605008,
Mobile No-9443331869,
Email Id- ramabathiran@gmail.com

P.T.ASHA, J.

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