

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.01.2021

C O R A M

THE HONOURABLE Ms. JUSTICE P.T. ASHA

O.P.No.549 of 2020

Shriram EPC Limited
rep. by its Senior Vice President -
Legal & Secretarial Mr.R.Sridharan,
IV Floor, Sigappi Aachi Building,
18/3, Rukmani Lakshmipathi Road,
Egmore,
Chennai – 600 008.

...Petitioner

-V-

VALECHA Engineering Limited,
Valecha Chambers,
IV Floor, Plot Bo.B-6, New Link Road,
Andheri (West),
Mumbai – 400 053.

...Respondent

Prayer: Original Petition filed under Section 11(4) of the Arbitration and Conciliation Act, 1996 praying to appoint an Arbitrator on behalf of the respondent and direct the said arbitrator already nominated and appointed by the petitioner from its side being Hon'ble Mr.Justice J.D. Kapoor,

Retired Judge, Delhi High Court, to further choose the third Arbitrator and constitute arbitral tribunal for Settlement of the disputes and claims of the petitioner against the respondent.

For Petitioner : Mr. Suresh

For Respondent : Mr.Karthikeyan Sekar

ORDER

A Memo dated 04.01.2021 has been filed by the applicant enclosing a letter of the respondent dated 17.12.2020 stating that they have nominated the Hon'ble Mr.Justice Kailash Gambhir (Retired), Delhi High Court as their nominee arbitrator. The said Memo is taken on file.

2.It is seen that the applicant has nominated Hon'ble Mr.Justice J.D.Kapoor, Retired Judge, Delhi High Court as their nominee arbitrator.

3.Accordingly, (i)(1)Hon'ble Mr.Justice Kailash Gambhir (Retired), Delhi High Court and (2) Hon'ble Mr.Justice J.D.Kapoor, Retired Judge, Delhi High Court are appointed as Arbitrators to enter upon reference and

adjudicate the disputes *inter se* the parties. The two Arbitrators shall in turn appoint the third Arbitrator.

ii) The learned Arbitrators may, after issuing notice to the parties and upon hearing them, pass an award as expeditiously as possible. It is open to the respondent to raise all legal objections as to the validity of contract.

iii) The learned Arbitrators are at liberty to fix their remuneration and other incidental expenses as per law and formulate the procedure for the Arbitration proceedings.

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

07.01.2021

Internet : Yes/No

Index : Yes/No

Speaking / Non-Speaking

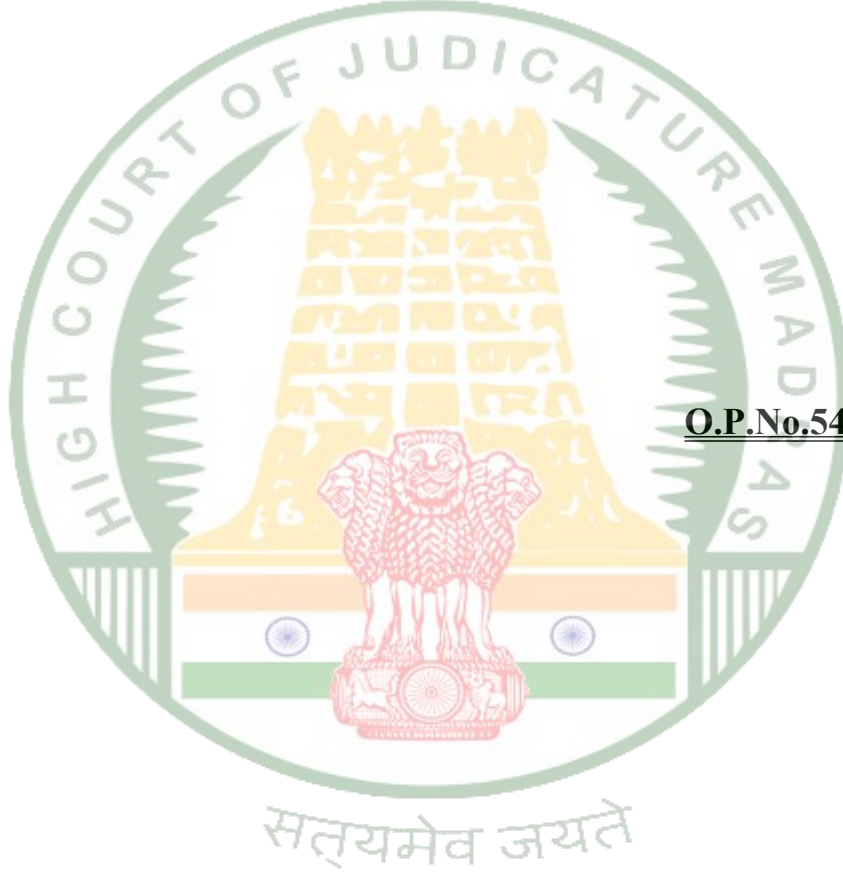
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O.P.No.540 of 2020

P.T. ASHA. J.

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