

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

DATED: 24.02.2021

CORAM

**THE HONOURABLE Ms. JUSTICE P.T. ASHA**

**OP.No.564 of 2020**

M/s. Simhadri Constructions  
Represented by its Proprietor  
V. Sreenivasulu,  
No.31/2, Welcome Colony,  
Anna Nagar West,  
Chennai- 600 101.

...Petitioner

Vs

1. The Union of India  
Represented by the General Manager,  
Southern Railway,  
Head Quarters Office,  
Park Town,  
Chennai- 600 003.

2. The Sr. DEN/Bridges/MAS,  
Divl. Rly. Manager's Office,  
Southern Railway,  
Works Branch , 2<sup>nd</sup> Floor,  
NGO Annex, Park Town,  
Chennai- 600 003.

... Respondents

**Prayer :** Original Petition filed under Section 11 (6) of Arbitration and Conciliation Act 1996 as amended by the Arbitration and Conciliation (Amendment) Act, 2015 praying to

a) appoint an independent and impartial arbitrator to hear and decide the disputes between the petitioner and the respondent arising out of the contract Agreement No.203/BRIDGES/MAS dated 09.10.2017.

b) Direct the respondents to pay the cost of this petition.

For Petitioner : M/s. P. Subba Reddy

For Respondents : Mr. P.T. Ramkumar, SC for Railways

**ORDER**

The above Petition is filed for appointing an Arbitrator in view of the dispute that has arisen between the parties under the Agreement dated 09.10.2017. When the dispute had arisen, the petitioner had sent a letter dated 15.06.2020 invoking the Arbitration Clause. This notice has been received by the respondents as early as on 01.09.2020. However, no steps as contemplated under Clause 64(3) of the Indian Railways Standard General Conditions of Contract have been followed. Since the respondents have not acted within 60 days as provided under the Clause 64 (3), their right to appoint an arbitrator stands abdicated.

2. Considering the fact that the dispute has arisen between the parties, this Court nominates Hon'ble, Thiru. Justice A. Ramamurthi, (Retd.), as the Arbitrator.

3. Accordingly, it is ordered as follows:

(i) The Hon'ble, Thiru. Justice A. Ramamurthi, (Retd.), Plot No.9(HIG) TNHB, Phase II, Nolambur, Mogappair West, Chennai- 37, Mobile No - 9444066306, 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 his 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.

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

24.02.2021

**mrn**

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



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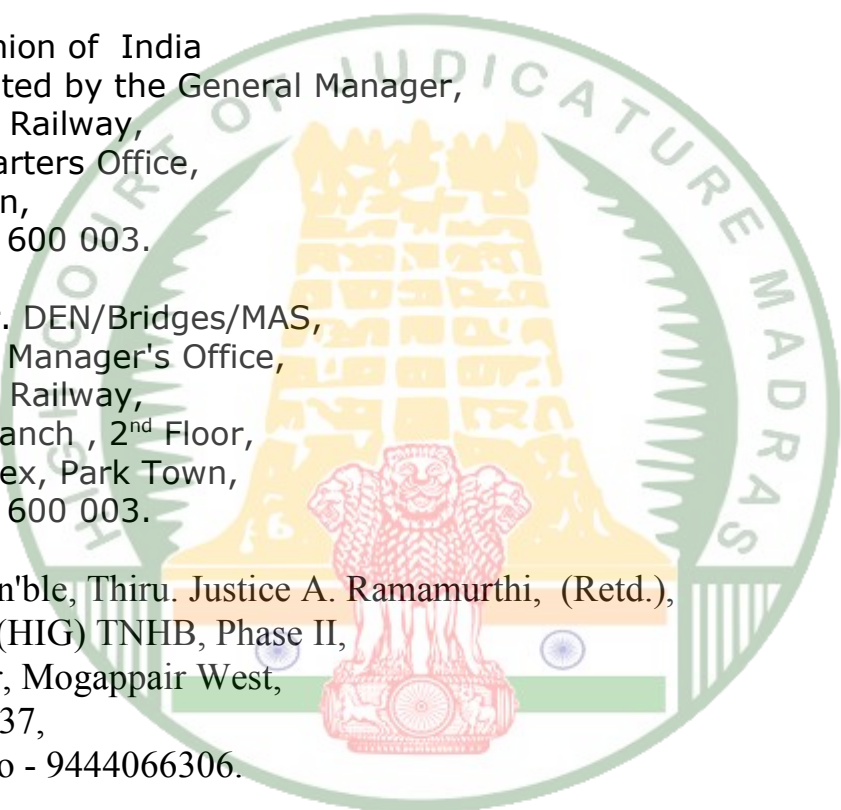
To,

1. M/s. Simhadri Constructions  
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V. Sreenivasulu,  
No.31/2, Welcome Colony,  
Anna Nagar West,  
Chennai- 600 101.

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NGO Annex, Park Town,  
Chennai- 600 003.

4. The Hon'ble, Thiru. Justice A. Ramamurthi, (Retd.),  
Plot No.9(HIG) TNHB, Phase II,  
Nolambur, Mogappair West,  
Chennai- 37,  
Mobile No - 9444066306.

The seal of the Madras High Court is a circular emblem. It features a central yellow temple gopuram (tower) with a red lion capital of Ashoka in front of it. The text "HON'BLE JUSTICE A. RAMAMURTHI" is written in a semi-circle above the gopuram. The words "COURT OF JUDICATURE MADRAS" are written in a semi-circle below the gopuram. At the bottom of the seal, the Sanskrit motto "सत्यमेव जयते" (Satyameva Jayate) is inscribed in Devanagari script.

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**P.T.ASHA, J.**

mrn



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