



**Arbitration Application No.175 of 2022  
in Application No.3890 of 2013**

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**KRISHNAN RAMASAMY, J.**

This Court vide order dated 11.09.2013 appointed Mr. Justice Mr. N. V. Balasubramanian (Retired Judge of this Court) as an Arbitrator in this matter. After the demise of said Arbitrator, the applicant herein has filed this Arbitration Application for substituting the Arbitrator Late Mr. Justice N. V. Balasubramanian by any other retired Judge of this Court as a sole Arbitrator. Hence, this Court vide order dated 27.10.2022, has appointed Mr. Justice M. Sathyanarayanan (Retired Judge of this Court) as substitute Arbitrator.

2. Today, a Memo dated 27.12.2022 filed by the substitute Arbitrator Mr. Justice M. Sathyanarayanan (Retired Judge of this Court) has been produced before this Court, wherein, the substitute Arbitrator has stated that due to professional commitments as a Senior Advocate of the Hon'ble Supreme Court of India, he is not in a position to act as the Substitute Arbitrator.



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3. The learned counsel on either side jointly prayed this Court to replace the substitute Arbitrator Mr. Justice M. Sathyarayanan (Retired Judge of this Court) by appointing a new Arbitrator.

4. Considering the above circumstances and also, having regard to the request made by the learned counsel on either side, this Court is inclined to pass the following order:

(i) Mr. Justice V. Bharathidasan (Retired Judge of this Court), New No. 22, Old No. L45, 2<sup>nd</sup> Main Road, Kamaraj Nagar (West), Thiruvannamiyur, Chennai – 600 041, Contact No. 9444383139 is appointed as new Arbitrator to enter upon reference and adjudicate the dispute *inter se* the parties.

(ii) The newly appointed learned Arbitrator shall pass award within a period of six months from the date of receipt of a copy of this order, only after issuing notice to the parties and hearing them.

(iii) The parties shall pay fees and other incidental charges to the newly appointed learned Arbitrator fixed by him, equally.



**WEB COPY** (iv) In the event of non-appearance of the respondent before the learned Arbitrator, petitioner shall pay the entire remuneration and other expenses at first instance and thereafter, petitioner can recover the same directly from the respondent.

5. Accordingly, this Arbitration Application is ordered. The parties shall bear their own costs. Since this Court has appointed a new Arbitrator, it is open to the petitioner as well as the respondent to seek other reliefs under the provisions of Arbitration and Conciliation Act 1996, before the Arbitrator.

**12.01.2023**

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***Note: Issue order copy on 24.01.2023***



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