



Arb.O.P.(Comm.Div.) No.596 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.11.2022

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THE HONOURABLE **MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

Arb.O.P.(Comm.Div.) No.596 of 2022

Davey Products,
Rep. by partners,
S.Venkatesa Davey
Having Office at
No.440, North Phase,
Ambattur Industrial Estatem
Ambattur, Chennai – 600 098.

... Petitioner

VS.

Madras Fertilizers Limited,
(A Government of India Undertaking),
Rep. by Mr.Tamilselvan,
Deputy General Manager,
Having office at
Post Bag No.2, Manali,
Chennai – 600 068.

... Respondent

PRAYER: Arbitration Original Petition filed under Section 11(5) of the Arbitration and Conciliation Act, 1996, pleaded to appoint a sole arbitrator to adjudicate the disputes between the petitioner and the respondents per Clause 22 of Award of Work (AOW) dated 23.11.2018 and agreement dated 27.11.2008 entered between the petitioner and the respondent.



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For Petitioner : Ms.K.Chandra

for M/s.C.Uma

For Respondent : Mr.Jayesh B.Dolia
for M/s.Aiyar & Dolia

ORDER

By relying upon clause 22 of the Work Order dated 23.11.2018, the petitioner seeks the constitution of an arbitral tribunal. The petitioner states that the respondent awarded a contract for designing, manufacturing, supplying, erecting and commissioning of a RO Stream to the petitioner. Upon disputes arising in relation thereto, the petitioner invoked the arbitration clause by issuing notice dated 27.07.2022. In spite of receipt of the said notice, it is stated that the respondent did not cooperate in the constitution of an arbitral tribunal. The present petition is filed in those facts and circumstances.

2. Mr.Jayesh B.Dolia, learned counsel, appears for the respondent. On instructions, he states that the respondent is agreeable to the constitution of an arbitral tribunal by this Court. However, he states that the respondent



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is not agreeable to the appointment of any of the persons proposed by the petitioner.

3. Clause 22 of the work order provides for the resolution of disputes through arbitration. It also specifies the place of arbitration as Chennai. Since the respondent did not agree to the names proposed by the petitioner, the petitioner was constrained to file the present petition. In these circumstances, the petitioner is entitled to succeed.

4. Accordingly, Arb.O.P.(Comm.Div.)No.596 of 2022 is allowed by appointing Ms.Chitra Narayan, Advocate,(Mobile No.90940 31934), as the sole arbitrator. The sole arbitrator is called upon to enter upon reference and adjudicate the dispute. The fees and expenses in relation to the arbitral proceedings may be fixed by the arbitral tribunal in consultation with the parties.

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Index : Yes / No
Internet : Yes / No
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