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Arb. O.P(Com.Div). No.61 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2023

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THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

Arb. O.P(Com.Div). No.61 of 2023

K.B.Prabhu

... Petitioner

Vs.

1.V.Dinesh Prasad

2.Arbitrator T.Balakrishnan
Respondents

...

PRAYER : Original Petition is filed under Section 14 r/w 15 of the Arbitration and Conciliation Act, 1996, praying to terminate the mandate of the Arbitrator and consequently substitute a retired District Judge in the place of the Arbitrator T.Balakrishnan to act as the Sole Arbitrator for adjudicating the dispute between the parties.

For Petitioner	: Mr.T.Balaji
For R2	: Mr.V.T.Balaji

ORDER

This petition has been filed under Section 14 r/w 15 of the Arbitration and Conciliation Act, 1996, praying to terminate the mandate of the Arbitrator and consequently substitute a retired District Judge in the place of the Arbitrator T.Balakrishnan, to act as the Sole Arbitrator for adjudicating the dispute between the parties.



2.Learned counsel appearing for the petitioner would submit that the present Arbitrator has now been appointed as the President of the District Consumer and Dispute Redressal Commission at Karur and therefore, the learned Arbitrator expressed his inability to continue to work as a Sole Arbitrator. Learned Arbitrator has also sent letter dated 13.04.2022 to that effect to the Registrar General, Madras High Court.

3.Notice sent to the respondent returned with an endorsement “Addressee moved” and the learned counsel appearing for the applicant submitted that he sent notice to the learned counsel who appeared on behalf of the respondent before the learned Arbitrator. However, he refused to receive the notice.

4.Under such circumstances, this Court is of the view that since the present Arbitrator expressed his inability to proceed with the matter due to his appointment as the President of the District Consumer and Dispute Redressal Commission at Karur, it would be appropriate to substitute the Sole Arbitrator.

5.Accordingly, **Mr.R.Dhandapani, District Judge (Rtd), residing at Door No.12, Main Road, New Ananda Nagar, P.N. Pudur, Coimbatore – 641 041, Contact No.9443219199** is appointed as the Arbitrator to enter upon



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reference and adjudicate the disputes *inter se* the parties. The learned Arbitrator appointed herein, shall 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, without being influenced by any of the observations made in the earlier order passed by this Court in Arb.O.P.(Com.Div).No.169 of 2021. Learned Arbitrator is requested to conduct arbitration proceedings in accordance with the Madras High Court Arbitration Proceedings Rules, 2017 and the fee of the learned Arbitrator shall be fixed in accordance with Madras High Court Arbitration Centre (MHCAC) (Administrative Cost and Arbitrator's Fees), Rules 2017.

6.This Original Petition is ordered accordingly, leaving the parties to bear their own costs. Since this Court has appointed an 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.

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KRISHNAN RAMASAMY. J.,
rst

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