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Arb.O.P. (Com.Div.) No.75 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2023

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

Arb.O.P.(Com.Div.)No.75 of 2023

M/s.Ozone Projects Private Limited,
Represented by its Authorized Signatory,
Mr.M.Premnath,
New No.63, G.N.Chetty Road,
T.Nagar, Chennai – 600 017.

.. Petitioner

Vs.

Kunnel Engineers and Contractors Private Limited,
Represented by its Managing Director,
3rd Floor, Puthuran Plaza,
KPC Junction, M.G.Road, Ernakulam,
Kerala – 682 011.

.. Respondent

Prayer: Original Petition is filed under Section 11(6) of the Arbitration and Conciliation Act, 1996, praying to appoint a Sole Arbitrator to enter reference relating to the disputes that has arisen between the Parties herein in connection with the Work Order dated 18.09.2016 and conduct Arbitration Proceedings and to pass Award.



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Arb.O.P. (Com.Div.) No.75 of 2023

For Petitioner : Mr.Mr.Anirudh B. Menon for
M/s.Tatva Legal Chennai

For Respondent : Mr.P.H.Aravind Pandian
Senior Counsel for
Mr.Jose Jacob

ORDER

This petition has been filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 for appointment of an Arbitrator in respect of Contract Nos.20142414 & 20142415.

2.Both the parties consent for appointment of the **Hon'ble Mr.Justice K.Govindarajan, Retired Judge of this Court**, as an Arbitrator to resolve the dispute between the parties.

3.The parties are at liberty to workout the venue for Arbitration at Chennai.

4.The Court is inclined to pass the following order:-



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(i) **Hon'ble Mr. Justice K. Govindarajan, Retired Judge of this Court, (Mobile No.: 9444403403) residing at New No.8, Old No.5, Justice Ramanujam Road, Malaviya Avenue, Sastri Nagar, Chennai – 600 041,** is appointed as an Arbitrator to enter upon reference and adjudicate / resolve the *inter se* dispute between the parties.

(ii) The learned Arbitrator appointed herein, shall after issuing notice to the parties and upon hearing them, endeavour to complete the arbitral proceedings and pass an award strictly in accordance with the provisions of the Arbitration and Conciliation Act, 1996, as expeditiously as possible, preferably within a period of twelve months after the date of completion of pleadings under Sub-Section 4 to Section 23 as is contemplated in Section 29-A of the Arbitration and Conciliation Act, 1996, without getting influenced by any of the observations made by this Court in this order.

(iii) The learned Arbitrator appointed herein shall be paid fees and other incidental charges as may be fixed with the consent of parties or in accordance with the provisions of the Arbitration and Conciliation Act,



1996, and the same shall be borne by the parties equally. In case, the respondents remain *ex parte*, the petitioner shall pay the entire fee and other incidental charges to the Arbitrator and later recover the same from the respondents.

5.The Original Petition is allowed with the above observations, leaving the parties to bear their own costs.

6.Since the Court has appointed an Arbitrator, it is open to the petitioner as well as the respondents to seek other reliefs under Section 17 of the Arbitration and Conciliation Act, 1996, before the learned Arbitrator.

02.11.2023

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Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No



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Arb.O.P. (Com.Div.) No.75 of 2023

C.SARAVANAN, J.

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Arb.O.P.(Com.Div.)No.75 of 2023

02.11.2023