



Arb.Appl.No.221 of 2023
in A.No.2985 & 2986 of 2020

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KRISHNAN RAMASAMY, J.,

This Application has been filed seeking to discharge the present Arbitrator Justice Mr.K.N.Basha and appoint Arbitrator in A.Nos.2985 & 2986 of 2020.

2.Learned counsel appearing for the petitioner would submit that the present Arbitrator expressed his inability to proceed with the case due to his health condition and he has also sent email and letter dated 02.12.2022 to both the learned counsel appearing for either parties.

3.Learned counsel appearing for the respondent would submit that the respondent has no objection for substituting the Arbitrator.

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 health condition, it would be appropriate to substitute the Arbitrator. Accordingly, this Court is passing the following orders:



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(i) **The Hon'ble Mr. Justice M. Govindaraj, Former Judge, Madras High Court, residing at No.4/225, Sri Kapaleeswarar South 2nd Street, Neelangarai, Chennai -41 and (Contact No.9444094403),** is appointed as the Arbitrator to enter upon reference and adjudicate the disputes *inter se* the parties.

(ii) 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.

(iii) 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.



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5. This Application is allowed, 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.

24.04.2023

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KRISHNAN RAMASAMY, J.,

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