



OSA(CAD)No.54 of 2021

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.12.2023

CORAM:

**THE HONOURABLE MR. JUSTICE D.KRISHNAKUMAR
AND
THE HONOURABLE MR JUSTICE P.DHANABAL**

**OSA(CAD)No.54 of 2021
and CMP.No.12764 of 2021**

Sterlite Technologies Limited
Rep. by Chief Manager K.Sunder,
Logix Techno Park, Tower B, 1st Floor, Sector 127,
Noida-201 301.
presently having its regional office at
IFFCO Tower,
3rd Floor, Plot No.3,
Sector 29, Near IFFCO Metro Station,
Gurugram, Haryana-122 002.

... Appellant

Vs.

1.Bharat Sanchar Nigam Limited,
Rep by Managing Director,
Harish Chandra Mathur Lane,
Janpath, New Delhi-110 001.

and also having its office at
Office of the Chief General Manager,
Southern Telecom Projects,
No.25, Greenways Salai, Chennai-600 028.



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2.Shri N.Janardhan Rao,
Arbitrator, General Manager (NP) CFA, BSNL,
Karnataka Telecom Circle,
Bangalore-560 008.

.. Respondents

PRAYER: Original Side Appeal filed under Order XXXVI Rule 9(1)(c) of the Madras High Court Original Side Rules and Section 37 of the Arbitration and Conciliation Act, 1996 read with Clause 15 of the Letters Patent under Section 13 of the Commercial Courts Act against the order dated 11.12.2019 made in O.P.No.200 of 2011.

For Appellant : Mr.Rajiv Tyagi for
M/s.Adarsh Subramanian

For Respondents : Mr.S.Gopinathan for R1

JUDGMENT

[Order of the Court was made by *D.KRISHNAKUMAR, J.*]

The learned counsel for the appellant has fairly conceded before this Court to withdraw this appeal and seeks for appointment of fresh arbitrator by this Court to resolve the dispute among the parties. The learned counsel for the appellant has also made an endorsement to that effect.



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2. The learned counsel for the first respondent has also agreed for appointment of fresh arbitrator by this Court.

3. In view of the submission made by the learned counsel for the appellant, this Original Side Appeal stands dismissed as withdrawn. In the light of the request made by both the learned counsel for the parties, this Court appoints Hon'ble Thiru Justice N.Kirubakaran, Retired Judge of this Court, as the Arbitrator to resolve the dispute among the parties. No costs. Consequently, connected miscellaneous petition is closed.

(D.K.K., J.) (P.D.B., J.)
12.12.2023

Intex : Yes/No
Internet : Yes/No
Jvm

Copy to:

Hon'ble Thiru Justice N.Kirubakaran,
No.14, 13th Cross Street, Phase III,
Wood Creek County, Nandambakkam,
Chennai-600 089.



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