



Arb.O.P (Com.Div.) No.652 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.02.2023

CORAM

THE HON'BLE Mr. JUSTICE KRISHNAN RAMASAMY

Arb.O.P (Com.Div.) No.652 of 2022

ELGI Equipments Limited,
Elgi Industrial Complex,
Trichy Road, Singanallur, Coimbatore-641 005,
Tamil Nadu.

... Petitioner

Vs.

EDAC Engineering Limited,
SPIC House,
No.88, Anna Salai, Guindy,
Chennai 600 032.

... Respondent

Arbitration Original Petition filed under Section 11(5) of the Arbitration and Conciliation Act, 1996 to appoint a sole Arbitrator to constitute the Arbitral Tribunal to resolve the disputes that have arisen between the petitioner and the respondent.

For petitioner : Ms.R.S.Pornima
For Respondent : Mr.Shivakumar



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ORDER

This Arbitration Original Petition is filed to appoint a sole Arbitrator under Section 11(5) of the Arbitration and Conciliation Act, 1996 to constitute the Arbitral Tribunal to resolve the disputes that have arisen between the petitioner and the respondent.

2. The learned counsel appearing for the petitioner would submit that initially Mr.M.Sricharan Rangarajan, learned Advocate, was appointed as Arbitrator by virtue of the order passed by this Court on 16.02.2021. After the said appointment, Mr.M.Sricharan Rangarajan, learned Arbitrator requested to recuse himself from the arbitration proceedings, due to reason that he had already appeared for one of the parties to the dispute. Hence, the present application has been filed.

3. The learned counsel appearing for the respondent fairly submitted that since already the Arbitrator was appointed by this Court, he has no objections to appoint a new Arbitrator to replace the old Arbitrator.



4. In view of the above, this Court feels it appropriate to pass the following order:

i) Hon'ble Mr.Justice K.Kalyana Sundaram(Rtd.), residing at Flat No.406, 5th South Cross Street, Kapaleaswarar Nagar, Neelankarai, Chennai, Contact No.93810 11077 is appointed as sole 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) The learned Sole Arbitrator appointed herein shall be paid fees and other incidental charges, fixed by him and the same shall be borne by the parties equally. In the event of non-appearance of the respondent, the petitioner shall bear the entire remuneration and other expenses and thereafter, the applicant can recover the same directly from the respondent.

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



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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.

20.02.2023

Speaking/Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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KRISHNAN RAMASAMY.J.,
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