



O.A.No.896 of 2023

O.A.No.896 of 2023

WEB CO **C.SARAVANAN, J.**

There is an arbitral dispute between the petitioner and the respondent under a contract dated 22.11.2021. Clause 8.1 of the aforesaid agreement of sub contract dated 22.11.2021 reads as under:

“8.1. Both parties of the contract have agreed that if there is a contract dispute, they shall resolve the same in the light of friendly negotiation purpose. If failed, as agreed, Chennai, India will be selected as an arbitration place.”

2. In this Original Application, the parties have opted to work out their remedy before the Arbitrator to be appointed by this Court. Counsels have consented for appointment of **Hon'ble Mr.Justice V.Bharathidasan, Retired Judge of this Court**, to act as the sole Arbitrator to resolve the dispute between the parties. Same stands recorded.

3. The parties are at liberty to fix the fees and venue for Arbitration with the counsel for the learned Arbitrator.



O.A.No.896 of 2023

4. Recording the consent, **Hon'ble Mr.Justice V.Bharathidasan, Retired Judge of this Court, (Mobile No.:9444383139)** residing at **No.22, (L-45), 2nd Main Road, Kamaraj Nagar, Thiruvananthapuram, Chennai – 600 041**, is appointed as an Arbitrator to enter upon reference and adjudicate / resolve the *inter se* dispute between the parties, 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.

5. 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 same shall be borne by the parties equally. In case, one of the parties



O.A.No.896 of 2023

remain absent, the other party shall pay the entire fee and other incidental charges to the learned Arbitrator and later recover the same from the other party.

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

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

16.11.2023
($\frac{1}{2}$)

jas



WEB COPY



O.A.No.896 of 2023

C.SARAVANAN, J.
jas

O.A.No.896 of 2023

16.11.2023