



Rev.Aplo.No.10 of 2022

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in

Arb.O.P.(Com. Div.)No.568 of 2022

SENTHILKUMAR RAMAMOORTHY, J.

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By order dated 14.11.2022, Arb.O.P.No.568 of 2022 was disposed of by constituting an arbitral tribunal comprising a presiding arbitrator and two member arbitrators. The present review application is filed to review the said order and constitute an arbitral tribunal consisting of a sole arbitrator instead of a panel of three arbitrators.

2. Learned counsel for the review applicant relies upon two earlier orders of this Court (*Sri Saravana Constructions v. The General Manager, Southern Railway and another*, O.P.No.20 of 2020, order dated 18.02.2020, and order dated 17.02.2022 in Arb.O.P.(Com. Div.) No.206 of 2021) to contend that the Court is empowered to deviate from the prescription in the relevant arbitration clause in exercise of power under Section 11 of the Arbitration and Conciliation Act 1996 (the Arbitration Act).

3. Learned counsel for the respondents submits, on instructions, that the respondents oppose this review application and are agreeable to proceed with the arbitration in terms of the earlier order.



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4. A three member arbitral tribunal was constituted in view of the express prescription of a three member panel in clause 64 (3) (b) of the relevant contract between the parties. While exercising jurisdiction under Section 11 of the Arbitration Act, the Court is required to adhere to the arbitration clause in the contract unless deviation therefrom is consented to by parties or warranted for reasons specified in such regard. Therefore, there is no error apparent in the order warranting review thereof.

5. Accordingly, the review application is dismissed without any order as to costs.

11.01.2023

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