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Arb.O.P. (Com.Div.) No.527 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.11.2023

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

Arb.O.P.(Com.Div.)No.527 of 2023

M/s.Abirami Engineering Construction and Co.,
Represented by its Partner,
Mr.Aravind Thangavelu
5/217 D1, Teachers Colony,
Mohanur Road,
Namakkal – 637 001.

.. Petitioner

Vs.

The Superintending Engineer,
Tamil Nadu Urban Habitat Development Board
(Formerly Tamil Nadu Slum Clearance Board)
Chennai North Circle- 1,
Chennai – 600 081.

.. Respondent

Prayer: Original Petition is filed under Section 11(6) of the Arbitration and Conciliation Act, 1996, read with Rule 2 of the appointment of Arbitrators of the Madras High Court Scheme, 1996 praying to appoint an Arbitrator as per terms set out in Section 11(6)(a) of the Arbitration and Conciliation Act, 1996 to decide the dispute between the petitioner and the respondent arising out of the Agreement Cr.No.3/SE (CC-III)/2019-2020 dated 24.10.2019.



Arb.O.P. (Com.Div.) No.527 of 2023

For Petitioner : Mr.R.Harikrishnan
For Respondent : M/s.G.Thilakavathi
Senior Counsel assisted by
Mr.S.Karthikeyan
Standing Counsel

ORDER

This petition has been filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 for appointment of an Arbitrator as per terms set out in Section 11(6)(a) of the Arbitration and Conciliation Act, 1996 to decide the dispute between the petitioner and the respondent arising out of the Agreement Cr.No.3/SE (CC-III)/2019-2020 dated 24.10.2019.

2.Both the parties consent for appointment of the **Hon'ble Mr.Justice K.Chandru, Retired Judge of this Court** as an Arbitrator to resolve the dispute between the parties.

3.The parties are at liberty to workout the venue for Arbitration at Chennai.

4.The Court is inclined to pass the following order:-



(i) Hon'ble Mr. Justice **K.Chandru, Retired Judge of this Court,**

(Mobile No.:9444390962) residing at No.4-B, Kanchana, 78, St.Marys Road, Abhiramapuram, Chennai – 600 018, is appointed as an Arbitrator to enter upon reference and adjudicate / resolve the *inter se* dispute between the parties.

(ii) The learned Arbitrator appointed herein, 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.

(iii) 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 the same shall be borne by the parties equally. In case, the



Arb.O.P. (Com.Div.) No.527 of 2023

respondents remain *ex parte*, the petitioner shall pay the entire fee and other incidental charges to the Arbitrator and later recover the same from the respondents.

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

6.Since the Court has appointed an 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.

21.11.2023

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Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No



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Arb.O.P. (Com.Div.) No.527 of 2023

C.SARAVANAN, J.

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Arb.O.P.(Com.Div.)No.527 of 2023

21.11.2023