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A. No. 5895 of 2022

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in
Arb. O.P. (Com. Div.) No. 366 of 2022

KRISHNAN RAMASAMY, J.

This Court vide order dated 16.11.2022 had appointed Mr. Yashod Vardhan, learned Senior Advocate as Sole Arbitrator to adjudicate the present dispute. However, the said Sole Arbitrator has sent a letter dated 30.11.2022 stating that he is presently appearing for Port Department of the Government of Puducherry in a case and therefore, he has refused to act as Sole Arbitrator.

2. Learned counsel for the applicant submits that out of five names suggested by the petitioner to the respondent, he is now proposing Mr. S.Soundararajan as Sole Arbitrator. However, learned Government Advocate appearing for the respondents submits that since the present dispute is with regard to the bills, performance and quantum of money, a legal professional or Hon'ble Judge may be appointed as Sole Arbitrator.

3. Considering the submissions made by learned counsel for both sides, this Court feels it appropriate to pass the following order:

i) Hon'ble Mr.Justice K.Kalyana Sundaram, Former Judge, Madras High Court, residing at Flat No.406, 5th South Cross Street, Kapaleaswarar Nagar, Neelankarai, Chennai - 600 115, Contact No. 94443 95699 is appointed as Sole Arbitrator to enter upon reference and adjudicate the disputes *inter se* the parties.



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ii) That the learned Sole 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) That 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.

iv) That the learned Sole Arbitrator appointed herein shall decide the matter on merits without being influenced or inhibited by any of the observations made in the order of this Court.”

4. This application is ordered accordingly, leaving the parties to bear their own costs. Since this Court has 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 learned Sole Arbitrator.

02.01.2023

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Copy to

Hon'ble Mr. Justice K. Kalyana Sundaram,
Former Judge, Madras High Court,
Flat No. 406, 5th South Cross Street,
Kapaleaswarar Nagar, Neelankarai,
Chennai.

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