



WEB COPY



Arb.Appln No.5

Arb.Application No.5 of 2023

in

O.A.No.10 of 2023

SENTHILKUMAR RAMAMOORTHY,J

This application is filed for an interim stay of the operation of the order dated 18.05.2022 of the 4th respondent.

2.Mr.Gowtham S.Raman, learned standing counsel for the respondents, submits, on instructions, that the respondents are agreeable to the reference of this dispute before Mr. Justice N.Kirubakaran, retired judge of this Court, to be heard as a separate reference along with similar matters, which are pending before him.

3. The terms and conditions relating to the tender for hiring of water tanker lorries contains an arbitration clause. The said clause is set out below:

"30. ARBITRATIONS

In case of any dispute arising out of this contract the matter will be decided under the Arbitration and Conciliation Act and the arbitrator shall be nominated by the M.D. Both the parties should abide by that arbitrators decision."

4. Although a notice under Section 21 of the Arbitration and Conciliation Act, 1996 was not issued by the petitioner, the respondents are agreeable to the constitution of an arbitral tribunal and further agree that they will not raise an objection that a Section 21 notice did not precede the constitution of the arbitral tribunal.



Arb.Appln No.5 of 2023

5. In view of the above submissions, this application is disposed of by referring the dispute between the petitioner and the respondents for arbitration by appointing Mr. Justice N.Kirubakaran, retired judge of this court, as the arbitrator. The arbitrator is requested to enter upon reference and adjudicate the dispute. The fees and expenses in relation to the arbitral proceedings may be fixed by the arbitral tribunal in consultation with the parties. The applicant is permitted to file applications under Section 17 of the Arbitration and Conciliation Act, 1996 seeking substantially similar or other relief before the arbitral tribunal.

01.02.2023

rrg



WEB COPY



Arb.Appln No.5 of 2023

SENTHILKUMAR RAMAMOORTHY,J

rrg

Arb.Appln No.5 of 2023

01.02.2023