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Arb.O.P. (Com.Div.) No.124 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2024

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

Arb.O.P.(Com.Div.)No.124 of 2024

M/s.Hitachi Lift India Private Limited,
having its Registered office at Tower-B,
World Mark-1, Aerocity, New Delhi – 110 037
and Branch Office at No.20, Zion Complex,
Door Z4, 3rd Floor, Pammal Main Road,
Pammal, Chennai,
Tamil Nadu – 600 075.

.. Petitioner

Vs.

M/s.Goms Electricals Private Limited,
No.43, 1st Main Road,
R.K.Nagar, Mandaveli,
Chennai, Tamil Nadu – 600 028.

.. Respondent

Prayer: Original Petition is filed under Section 14(1)(b) r/w 15(2) of the Arbitration and Conciliation Act, 1996, praying to appoint a New Arbitrator to adjudicate upon the difference and disputes between the petitioner and the respondent under the Work Order (Ref No.GEPL/CEC/WO/001/17-18) dated 13.12.2017.



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For Petitioner : Mr.D.Dinesh

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ORDER

This petition has been filed under Section 14(1)(b) r/w 15(2) of the Arbitration and Conciliation Act, 1996, to appoint a New Arbitrator to adjudicate upon the difference and disputes between the petitioner and the respondent under the Work Order (Ref No.GEPL/CEC/WO/001/17-18) dated 13.12.2017.

2. The Arbitrator was appointed by this Court at the behest of the petitioner in Arb.O.P.(Com.Div)No.470 of 2023 vide order dated 07.11.2023 had issued a notice to the petitioner and the respondent on 28.12.2023 and fixed a date of preliminary hearing. However, subsequently, the learned Arbitrator by an order dated 02.02.2024 has recused himself on the ground of potential conflict interest.

3. Considering the same, this Original Petition is ordered, the mandate of the Arbitrator appointed by this Court vide order dated 07.11.2023 by substituting the name of the new Arbitrator namely **Mr.Rahul Balaji, Advocate**, is appointed as an arbitrator.



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4. Recording the same, **Mr.Rahul Balaji, Advocate, having Office at New No.8, Old No.13, 8th Street, Dr.Radhakrishnan Road, Mylapore, Chennai – 600 004, Mobile No.98400 23366**, is appointed as an New Arbitrator to enter upon reference and adjudicate / resolve the *inter se* dispute between the parties.

5. The learned Arbitrator appointed herein, shall 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.

6. The learned Arbitrator 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 respondent remain



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

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

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

9. 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.

20.03.2024

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



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C.SARAVANAN, J.

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