



A.No.1580 of 2024

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in
O.A.No.50 of 2024
and
Arb.Appln.Nos.59, 71 and 149 of 2024
C.SARAVANAN, J.

Application No.1580 of 2024 has been filed for clarifying the observations made in Paragraph No.10 of the order passed by this Court on 14.02.2024 in O.A.No.50 of 2024.

2. The learned Additional Solicitor General of India would submit that the second sentence in Paragraph No.10 of the order passed by this Court on 14.02.2024 starting from “**Learned Additional Solicitor General**” ending with “**its validity prior to its invocation**” be deleted, as the respondent did not intend for any concession.

3. Having considered the submission of the learned Additional Solicitor General of India and considering the submission made today, I am inclined to delete the second sentence in Paragraph No.10 of the



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order dated 14.02.2024 in O.A.No.50 of 2024 as requested in the above application.

4. Incidentally, the parties had agreed for appointment of **Hon'ble Mr.Justice Sanjay Kishan Kaul, Former Judge of Supreme Court,** as a Presiding Arbitrator and **Hon'ble Mr.Justice D.S.R.Varma, Former Judge of Telangana High Court, (Mobile No.9704236666)** and **Mr.M.Ravindra, Retired Chairman, Railway Road, Flat No.18, PGP Manor, No.29, Barnaby Road, Kilpauk, Chennai – 600 010, (Mobile No.9884208964)** as their nominee arbitrators at the time of disposal of O.A.No.50 of 2024.

5. It is informed that **Mr.M.Ravindra, Retired Chairman,** had recused himself. It is therefore submitted by the learned Additional Solicitor General of India that name of **Mr.M.Ravindra, Retired Chairman, Railway Road, Flat No.18, PGP Manor, No.29, Barnaby Road, Kilpauk, Chennai – 600 010, (Mobile No.9884208964)** be



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deleted from Paragraph Nos.13(ii) and 14 of the order dated 14.02.2024

and be substituted with the name of **Mr.V.Somasundaram, Retired Principal, Chief Engineer, Southern Railway, residing at Flat No.201, Thirumala Elite Apartment, 78/3 Sri M Visweswaraya Road, BTM 6th Stage, Bangalore – 560 076.**

6. Submissions of the learned Additional Solicitor General of India stands recorded and is accordingly ordered.

7. Accordingly, Paragraph Nos.13(ii) and 14 of the order dated 14.02.2024 is directed to be modified by substituting the name of **Mr.M.Ravindra, Retired Chairman** with the name of **Mr.V.Somasundaram, Retired Principal, Chief Engineer, Southern Railway, residing at Flat No.201, Thirumala Elite Apartment, 78/3 Sri M Visweswaraya Road, BTM 6th Stage, Bangalore – 560 076.**

8. Incidentally, after the order was passed, the respondent herein



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(applicant in O.A.No.50 of 2024) had directly addressed the communication dated 02.03.2024 to the Presiding Arbitrator requesting the learned Presiding Arbitrator to agree for schedule of fees as per the Act. In response, the Presiding Arbitrator has responded and has recused on 04.03.2024 by a e-mail dated 04.03.2024. The manner in which the respondent (applicant in O.A.No.50/2024) has directly approached the learned Presiding Arbitrator was unwarranted.

9. Be that as it may, in view of the above Paragraph Nos.16 of the order dated 14.02.2024 is modified by deleting the portion starting from “or in accordance with” ending with “Arbitration and Conciliation Act, 1996”. **Hon'ble Mr.Justice Sanjay Kishan Kaul, Former Judge of Supreme Court**, is therefore requested to preside over the Arbitral Tribunal as the presiding Arbitrator of the Arbitral Tribunal along with companion Arbitrators nominated by the respective parties and endeavor to pass Award on merits in accordance with the provisions of the Arbitration and Conciliation Act, 1996.



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10. It is made clear that the applicant shall re-transfer the amount as was ordered, failing which, it is open for the respondent to approach the arbitral Tribunal for suitable orders.

11. Registry is directed to issue a fresh copy of the order to the parties after incorporating the above corrections.

20.03.2024

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C.SARAVANAN, J.

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