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Arb.O.P (Com.Div.) No.257 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.08.2024

CORAM

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

Arb.O.P (Com.Div.) No.257 of 2024

IVRCL-CADAGUA Hogenakkal
Water Treatment Company Private Limited
(a joint venture company between
IVRCL Infrastructure & Project Limited and
Cadagua S.A)
Having their office at:
Madam Village, Cavery Road
Pennagaram Taluk, Dharmapuri District
Tamil Nadu.

...Petitioner

-VS-

The Project Chief Engineer
Tamil Nadu Water Supply and Drainage Board
No.8, First Main Road
Gandhi Nagar, Vellore – 632006.

...Respondent

PRAYER: Arbitration Original Petition filed under Section 11(4) of the Arbitration and Conciliation Act, 1996 for the following reliefs:-

- (a) to appoint an arbitrator to adjudicate the disputes between the petitioner and the respondent in terms of conditions of particular application;
- (b) to direct the respondent to pay the costs.



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For Petitioner : Mr. Gaurav Chatterjee
For Respondent : Mr. Abdul Hameed, Senior Counsel
Assisted by Ms.S.Mekhala

ORDER

This Arbitration Original Petition has been filed under Section 11(4) of the Arbitration and Conciliation Act, 1996 to appoint an arbitrator to adjudicate the disputes between the petitioner and the respondent in terms of conditions of particular application and to direct the respondent to pay the costs.

2. Heard Mr. Gaurav Chatterjee, learned counsel for the petitioner and Mr. Abdul Hameed, learned Senior Counsel assisted by Ms. S.Mekhala, learned counsel appearing on behalf of the respondent.

3. The application had been opposed to by the learned Senior Counsel appearing on behalf of the respondent which included the objection as to the period of limitation. The objections raised by the learned Senior Counsel in my view can also be raised before the learned Arbitrator and hence, with liberty to the respondent to raise the objections raised in the appointment of arbitrator to be raised before the Arbitrator itself, I am inclined to appoint an Arbitrator to arbitrate the disputes between the parties arising out of the agreement dated 19.02.2010.

4. Even though the learned counsel appearing on either side had



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suggested names for appointment as an Arbitrator, there has been no consensus on the names, therefore, I am inclined to appoint **Hon'ble Mr. Justice K.Venkataraman**, Former Judge, Madras High Court, residing at L-Block, No. 125, East Anna Nagar, Chennai – 600102, as Sole Arbitrator to enter upon the dispute between the petitioner and the respondent.

5. The learned Sole Arbitrator is entitled to fix his fees as per the Schedule-IV to the Act. This Court further requests the learned Sole Arbitrator to endeavour to decide the dispute as expeditiously as possible.

6. Accordingly, this Arbitration Original Petition is ordered.

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Index :Yes/No

Maya



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K.KUMARESH BABU, J.
Maya

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