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Arb.O.P (Com.Div.) No. 287 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.09.2024

CORAM

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

Arb.O.P (Com.Div.) No. 287 of 2024

M/s.Westart Communications India Pvt. Ltd.
Represented by its Director Mr.Rammohan
No.MF-7, Cipet Hostel Road
Thiru-Vi-Ka Industrial Estate
Ekkattuthangal, Chennai – 600032.

...Petitioner

-VS-

Greater Chennai Corporation
Represented by its Commissioner
Solid Waste Management Department
Ripon Building, Chennai – 600003.

... Respondent

PRAYER: Arbitration Original Petition filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 to appoint a nominee Arbitrator on behalf of the Respondent to adjudicate the disputes between the petitioner and the respondent in terms of Article 28 of the Concession Agreement dated 03.01.2020 and direct the respondent to pay costs.

For Petitioner : Mr.P.J.Rishikesh

For Respondents : Mrs.P.T.Ramadevi

O R D E R

This Arbitration Original Petition has been filed under Section

11(4) of the Arbitration and Conciliation Act, 1996 to appoint a nominee



Arbitrator on behalf of the Respondent to adjudicate the disputes between the petitioner and the respondent in terms of Article 28 of the Concession Agreement dated 03.01.2020 and direct the respondent to pay costs.

2. Heard Mr.P.J.Rishikesh, learned counsel for the petitioner and Mrs.P.T.Ramadevi, learned counsel for the respondent.

3. When the matter came up for consideration, learned counsel appearing for respective parties would submit that they would be satisfied for appointment of Sole Arbitrator, who would be the retired Judge of this Court. Clause 28.3.2 of Arbitration of the Concession Agreement envisages as follows:-

“28.3.2. There shall be a board of 3(three) arbitrators, of whom each Party shall select one, and the third arbitrator shall be appointed by the 2(two) arbitrators so selected, and in the event of disagreement between the 2(two) arbitrators, the appointment shall be made in accordance with the Rules.”

Both the learned counsels also have consented for appointment of a Sole



Arb.O.P (Com.Div.) No. 287 of 2024

Arbitrator by this Court and they have requested this Court to appoint an Advocate as Arbitrator. In such circumstances, this Court appoints **Hon'ble Mr. Justice M.Govindaraj, Former Judge, Madras High Court, residing at No.4/225, Sri Kapaleeswarar South 2nd Street, Neelangarai, Chennai-600041** as Sole Arbitrator to enter upon the dispute between the petitioner and the respondent.

4. 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, however, not later than six(6) months from the date of his entering into reference.

5. Accordingly, this Arbitration Original Petition is ordered.

02.09.2024

Index :Yes/No

Maya



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Arb.O.P (Com.Div.) No. 287 of 2024

K.KUMARESH BABU, J.

Maya

Arb.O.P (Com.Div.) No. 287 of 2024

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