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Arb.O.P (Com.Div.) No. 339 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.09.2024

CORAM

**THE HONOURABLE MR.JUSTICE K.KUMARESH BABU**

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Gita Refractories Private Ltd  
105, RR Takt, 37  
Bhoopasandra Main Road,  
Sanjaynagar, Bengaluru - 560094

...Petitioner

-VS-

M/s.Tamil Nadu Cements Corporation Ltd.,  
5<sup>th</sup> Floor, Aavin Illam,  
No.3A, Pasumpon Muthuramalinga Thevar Road,  
Nandanam,  
Chennai – 600 035.

Previously at  
No.735, Anna Salai, Chennai – 2.

... Respondent

PRAYER: Arbitration Original Petition filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 to appoint an arbitrator on behalf of the respondent on account of the failure of the respondent to appoint a nominee arbitrator in accordance with the procedure as envisaged under Clause 20 under the Work Order.

For Petitioner : Mrs.Pornima R.S.



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For Respondent : Mr.Vijayan,  
for King and Patridge (vak not filed)

### **ORDER**

This Arbitration Original Petition has been filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 to appoint an arbitrator on behalf of the respondent on account of the failure of the respondent to appoint a nominee arbitrator in accordance with the procedure as envisaged under Clause 20 under the Work Order.

2. Heard the learned counsel for the petitioner and the learned counsel for the respondent.

3. Both the learned counsels also have consented for appointment of a Sole Arbitrator by this Court and they have requested this Court to appoint a Senior Advocate of this Court as Arbitrator. In such circumstances, this Court appoints Mr.S.Parthasarathy, Senior Counsel, residing at No.7, 2<sup>nd</sup> Street, Jagadambal Colony, Royapettah, Chennai – 600 014 as Sole Arbitrator to enter upon the dispute between the petitioner and the respondent.



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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.

**18.09.2024**

Index :Yes/No  
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**K.KUMARESH BABU, J.**

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