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Arb.OP(Com.Div.)No.341 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 18.10.2024

Coram:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Arb.OP(Com.Div.) No.341 of 2024

M/s.R.G.&Co.,
Engineering Contractors,
Highways and Railways,
83/1, R.R.Illam, Kurinji Nagar,
Vazhapadi Post, Salem – 636 115.

... Petitioner

/versus/

1. The Superintending Engineer [High Ways],
Chennai Projects Circle,
BSNL Telephone Exchange Building,
Alandur, Chennai.
2. The Divisional Engineer [High Ways] Project Division,
Cuddalore.
3. The Assistant Divisional Engineer [High Ways],
Projects Sub Division, Kattumannarkovil,
Cuddalore.

... Respondents

Prayer: Original Petition is filed under Section 11 of the Arbitration and Conciliation Act, 1996, seeking to appoint a sole arbitrator to decide the disputes between the petitioner and the respondents arisen under the Partnership deed dated 08.10.2018 between the petitioner and the respondents.



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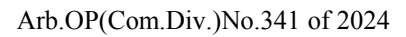
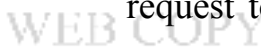
For Petitioner : Mr.N.Umapathy

For Respondents : Mrs.R.Anitha
Special Government Pleader

ORDER

This petition is filed under Section 11 of the Arbitration and Conciliation Act, 1996, seeking appointment of a sole arbitrator to decide the disputes between the petitioner and the respondents arisen under the Arbitration Agreement dated 08.10.2018 between the petitioner and the respondents.

2. The petitioner is one of the contractor in the Highways Department. He had entered into a contract with the first respondent for construction of a High level bridge across the surplus canal of Wellington Reservoir at K.M.3/8 of Thittagudi – Sirupakkam Road, Kattumannar Koil Project Sub Division, Cuddalore District on 08.10.2018. According to the petitioner, the petitioner had completed the bridge work and unable to complete the approach road of the bridge as the land for forming approach road of the bridge was not acquired and handed over to the petitioner. Though the petitioner requested the respondents to acquire the land for laying approach road, so far no land has been acquired and the respondents failed to



3. According to the learned Special Government Pleader appearing for the respondent, as per the clause No.59 of the Arbitration Agreement dated 08.10.2018 if the claim exceeds Rs.2,00,000/- and hence, the same has to be referred Civil Court having jurisdiction for decision. Therefore, submitted that the request seeking appointment of an arbitrator does not arise since Clause 59 of the agreement dated



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08.10.2018 makes it clear that if the claim exceeds monetary value of Rs.2.00 lakhs, it shall be referred to the Civil Court having jurisdiction for decision.

4. Admittedly, the claim of the petitioner is more than Rs.2.00 lakhs. Therefore, the petitioner ought to have approached the Civil Court for appropriate relief as per the clause 59 of the agreement dated 08.10.2018. Hence, this Court is not inclined to appoint an arbitrator.

5. Accordingly, this petition is dismissed.

18.10.2024

Neutral citation: Yes/no
Index : Yes/No
Speaking/Non Speaking

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G.K.ILANTHIRAIYAN, J.

VTC

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