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Arb. O.P. (Com. Div) No.368 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.10.2024

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THE HON'BLE MR. JUSTICE G.K. ILANTHIRAIYAN

Arb. O.P. (Com. Div) No.368 of 2024

M/s.Star Associates,
Represented by its Managing Partner,
S.R.Venkat Vel, having his office at
No.2/122, Panichanoor,
Samudram Post, Omalur Taluk,
Salem District - 636 306.

... Petitioner

Vs.

The Senior Divisional Commercial Manager,
Southern Railway, Salem - 636 005.

... Respondent

PRAYER: Arbitration Original Petition filed under Section 11 (6) of the Arbitration and Conciliation Act, 1996 to appoint an arbitrator to adjudicate the dispute between the petitioner and the respondent arising out of the agreement dated 08.02.2021.

For Petitioner : Mr. V. Vijay Shankar

For Respondent : Mr. M. Karthikeyan
Central Government
Senior Panel Counsel



ORDER

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2. The petitioner applied pursuant to tender floated by the respondent for leasing of PCET-CBE-North to Rajkot-CBE on round trip basis. A letter of acceptance was issued by the respondent in favour of the petitioner on 15.07.2020 and a written agreement was entered into between the petitioner and the respondent on 08.02.2021. The petitioner had furnished necessary bank guarantee and commenced operations. As per the terms and conditions of the agreement, petitioner has to procure business by collecting goods and parcels for transport for which he is entitled to collect necessary charges. However, according to the petitioner, the terms were violated by the respondent. Hence, the petitioner is before this Court.

3. All disputes and difference arising out of the agreement shall be resolved as per clauses 31.0, 31.1, 31.2 and 31.3 of the agreement dated 08.02.2021 in accordance with the Arbitration and Conciliation Act 1996.



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4. Insofar as the jurisdiction is concerned, it is relevant to extract clause 31.4 of the agreement hereunder:

" 31.4 Place of Arbitration: The Venue of such Arbitration shall be at the place where the agreement has been signed and executed or as decided by the Arbitrator and the language of the Arbitration proceeding shall be English or as decided by the Arbitrator"

5. Therefore, the petitioner casts notice to invoke clauses 31.0, 31.1, 31.2 and 31.3 of the agreement and also suggested for appointment of arbitrator to resolve the dispute. However, on receipt of the same, the respondent failed to reflect and the petitioner was constrained to approach this Court under Section 11 of the Arbitration and Conciliation Act, 1996.

6. In this petition, this Court ordered notice and also permitted to take private notice. Today, Mr. M. Karthikeyan, learned Central Government Senior Panel Counsel appeared on behalf of the respondent and acceded to appoint an arbitrator to adjudicate the dispute between the parties.



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7. Accordingly, this petition is allowed by appointing Mr.T. Ranganathan, Advocate (Enrl. No.1047 / 1994) (Mob. No.94432 05918) having address at Government Veterinary Hospital Opposite, Mettur Main Road, Omalur, Omalur Taluk, Salem - 636 455 as sole arbitrator. The sole Arbitrator is directed to enter upon reference and adjudicate the dispute in accordance with law. It is open to the Sole Arbitrator to fix his fees and expenses in relation to the arbitral proceedings. No Costs.

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Index : Yes/No
Speaking Order : Yes / No
Neutral Citation Case: Yes / No
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G.K. ILANTHIRAIYAN. J.,

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