



WEB COPY



Arb.O.P. (Com.Div.) No.522 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2024

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

Arb.O.P.(Com.Div.)No.522 of 2023

and

Arb.Appln.No.557 of 2023

Container Corporation of India Limited (CONCOR),
Represented by its Deputy General Manager,
Chennai Cluster,
having office at 8th Floor,
Office of the Chief Administrative Officer (Construction),
Southern Railway, E.V.R.Periyar Road,
Egmore, Chennai – 600 008. .. Petitioner

Vs.

- 1.The Secretary to Government,
Industries Department/Chairman – SIPCOT,
Government of Tamilnadu,
Fort St.George,
Chennai – 600 009.
- 2.The Managing Director,
State Industries Promotion Corporation of Tamil Nadu Limited
(SIPCOT),
Registered office at
No.19A, Rukmani Lakshmipathy Road,
Post Box No.7223,
Egmore, Chennai – 600 008.
- 3.The Project Officer,
SIPCOT Industrial Park,
Sriperumpudur – 602 117. .. Respondents



Arb.O.P. (Com.Div.) No.522 of 2023

Prayer: Original Petition is filed under Section 11(6) of the Arbitration and Conciliation Act, 1996, praying to appoint an Arbitrator to adjudicate upon the disputes that have arisen between the petitioner and the respondents in respect of the Lease Deed dated 25.03.2011 between the petitioner and the respondents.

For Petitioner : Mr.A.R.L.Sundaresan
Additional Solicitor General

For Respondents : Mr.P.Harish
Government Advocate
for R1
Mr.M.P.Rajavelayutham
for R2 and R3

ORDER

This petition has been filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 to appoint an Arbitrator to adjudicate upon the disputes that have arisen between the petitioner and the respondents in respect of the Lease Deed dated 25.03.2011 between the petitioner and the respondents.

2. The learned counsel for the second and third respondents have consented for appointment of an Arbitrator.



WEB COPY

3. The learned Additional Solicitor General for the petitioner has suggested two names of Retired Judges of this Court.

4. Recording the request of the learned Additional Solicitor General for the petitioner, **Hon'ble Mr.V.Bharathidasan, Retired Judge of this Court**, is appointed as an Arbitrator to resolve the dispute between the parties.

5. The parties are at liberty to workout the venue for Arbitration at Chennai.

6. The Court is inclined to pass the following order:-

(i) **Mr.V.Bharathidasan, Retired Judge of this Court**, (Mobile No.9444383139) residing at **No.22, (L-45), 2nd Main Road, Kamaraj Nagar, Thiruvannamipur, Chennai – 600 041**, is appointed as an Arbitrator to enter upon reference and adjudicate / resolve the *inter se* dispute between the parties.



(ii) The learned Arbitrator appointed herein, shall after

issuing notice to the parties and upon hearing them, endeavour to complete the arbitral proceedings and pass an award strictly in accordance with the provisions of the Arbitration and Conciliation Act, 1996, as expeditiously as possible, preferably within a period of twelve months after the date of completion of pleadings under Sub-Section 4 to Section 23 as is contemplated in Section 29-A of the Arbitration and Conciliation Act, 1996, without getting influenced by any of the observations made by this Court in this order.

(iii) The learned Arbitrator appointed herein shall be paid fees and other incidental charges as may be fixed with the consent of parties or in accordance with the provisions of the Arbitration and Conciliation Act, 1996, and the same shall be borne by the parties equally. In case, the respondents remain *ex parte*, the petitioner shall pay the entire fee and other incidental charges to the Arbitrator and later recover the same from the respondents.

7. The Original Petition is allowed with the above observations, leaving the parties to bear their own costs.



Arb.O.P. (Com.Div.) No.522 of 2023

WEB COPY

8. Since the Court has appointed an Arbitrator, it is open to the petitioner as well as the respondents to seek other reliefs under Section 17 of the Arbitration and Conciliation Act, 1996, before the learned Arbitrator.

9. Interim order shall continue for a period of two months from today. It is open for the petitioner to move appropriate application under Section 17 of the Arbitration and Conciliation Act, 1996 for continuation of the order before the learned Arbitrator.

03.01.2024

jas

Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No



WEB COPY



Arb.O.P. (Com.Div.) No.522 of 2023

C.SARAVANAN, J.

jas

Arb.O.P.(Com.Div.)No.522 of 2023
and
Arb.Appln.No.557 of 2023

03.01.2024