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O.A. No.834 of 2024

O.A. Nos.834 & 853 of 2024
and Arb. Appln. Nos.769, 770, 771 & 790 of 2024 &
A. No.6186 of 2024

P.B.BALAJI, J.

Heard Mr.Rajasekaran, learned counsel for the Applicant and Ms.Hema Srinivasan, learned counsel for the respondent.

2. This Court by order dated 30.10.2024, has granted an interim order in O.A. No.834 of 2024, restraining the first respondent from engaging a third party as sub-contractor, for proceeding with the work of piling and dismantling of building/structure, shifting of existing utilities required for construction of Station New Building, until a competent Arbitral Tribunal is seized of the matter.

3. The learned counsel for the applicant would submit that though they have initiated the work viz., piling and dismantling work to the tune of Rs.7,00,00,000/-, the second respondent has released only a sum of Rs.50,00,000/- and his apprehension is that if third party sub contractors are allowed to do the work, then the Arbitrator will not be in a position to even assess the work actually executed by the Applicant.



O.A. No.834 of 2024

4. The learned counsel for the respondents submits that the averments set out in the affidavit are not correct and right from July 2024, no work force has been employed at the sight and not a single brick has been put up. The Applicant had abandoned the site and the infrastructure project cannot be settled and she would therefore submit that the first respondent should be allowed to proceed to complete the work.

5. Considering the above averments, the interim order already granted by this Court stands modified in the following manner:-

(i) M/s.TUV India, who is already acquainted with the project is directed to independently assess the work executed and completed by the Applicant as on date and file an inspection report before the Arbitrator.

(ii) On such completion of the inspection, the first respondent shall be at liberty to proceed with the work by engaging any new third party sub contractors to complete the infrastructure project.

(iii) M/s.TUV India shall inspect the properties and file a report within a period of 10 days. The inspection shall be carried out in the presence of the parties. A copy of the report shall be submitted for the learned Arbitrator and it shall also be served on the parties.



O.A. No.834 of 2024

(iv) There is no restriction for the first respondent to proceed with the tenders. The interim injunction granted is only relating to proceed with the work at sight, which too, shall be in force until such time, the inspection of the consultant is completed.

6. By consent, the parties have agreed to appoint Mr.Justice.S.Vaidyanathan, Retired Judge Meghalaya High Court as sole Arbitrator to go into the disputes between the Applicant and respondents.

7. Accordingly, this Court appoints **Mr.Justice.S.Vaidyanathan, Retired Judge Meghalaya High Court, having address at Door No.2A, 2nd Floor, River Dale Apartments, 14/27, 2nd Avenue, Harrington Road, Chetpet, Chennai, Tamil Nadu 600 031, Cell:9840517862, E.Mail:ravago1991@gmail.com, as the sole Arbitrator.**

8. The learned Arbitrator is entitled to fix his fees as per the Schedule-IV to the Act. This Court further requests the learned Arbitrator to endeavor to decide the dispute as expeditiously as possible, however, not later than six (6) months from the date of his entering into reference.



WEB COPY



O.A. No.834 of 2024

P.B.BALAJI, J.

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9. Accordingly, A. No.6186 of 2024 and O.A.No.834 of 2024 stand disposed of with the above terms and all the other Applications are also closed with liberty to move the Arbitrator, if deem necessary.

03.12.2024

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