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A.No.5874 of 2024
in
Arb.O.P.(Com.Div.) No.568 of 2023

C.V.KARTHIKEYAN, J.

This application has been filed seeking to substitute the arbitrator who had been appointed, Hon'ble Mrs. Justice Prabha Sridevan since, Her Ladyship had responded to the request by stating that it may not be possible for her to act as an arbitrator in the issue.

2.Taking all the factors into consideration, Hon'ble Mr. Justice B.Rajendran, Former Judge of this Court, is appointed as an Arbitrator to adjudicate and resolve the interse dispute between the parties on the following terms:

(i) 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, preferable 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 by this Court in order dated 05.02.2024.

(ii) 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 respondent remain *ex parte*, the petitioner shall pay the entire fee and other incidental charges to the Arbitrator and later recover the same from the respondent.

(iii) The parties are at liberty to workout the venue for Arbitration at Chennai.

3. With the above observations, this Application stands allowed. This order is to be read in conjunction with the order dated 05.02.2024 in Arb.O.P.(Com.Div.) No.568 of 2023.

15.11.2024

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3

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