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Arb.O.P.(Comm.Div.) No.529 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 05.12.2024

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THE HONOURABLE MR.JUSTICE P.B.BALAJI

Arb.O.P.(Comm.Div.) No.529 of 2024

Energ Engineering Projects Limited,
Having its registered Office at:
Plot No.2, Pocket - B, Sector - 5,
DSIIDC Industrial Complex,
Bawana, Delhi-110039
Represented by its Authorised Signatory
Mr.Man Mohan Goel

... Petitioner

vs.

NLC India Ltd.,
(Formerly known as Neyvelli Lignite Corporation Ltd),
Having its registered Office at:
No.135, EVR Periyar High Road,
Kilpauk, Chennai,
Tamil Nadu-600 010.

... Respondent

PRAYER: Arbitration Original Petition filed under Sections 11 of the Arbitration and Conciliation Act, 1996, to appoint a sole arbitrator to adjudicate over the dispute arising out of the Contract Agreement dated 23.12.2010 between the Petitioner and the Respondent.

For Petitioner : Mr.Aswini Vaidialingam

For Respondent : Mr.N.Nithianandam



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ORDER

This Arbitration Original Petition has been filed under Section 11 of the Arbitration and Conciliation Act, 1996 (hereinafter called as 'the Act') to appoint an Arbitrator in respect of the dispute arising out of alleged violation of the Contract Agreement dated 23.12.2010 between the petitioner and the respondent company.

2. I have heard Mr.Aswini Vaidialingam, learned counsel for the petitioner and Mr.N.Nithianandam, learned counsel for the respondent.

3. I have gone through the affidavit and also the supporting documents.

4. The present Original Petition has been filed under Section 11 for appointment of the sole Arbitrator in respect of the dispute arising out of alleged violation of the Contract Agreement dated 23.12.2010. The parties had agreed to refer the disputes to Arbitration under the provisions of the Arbitration and Conciliation Act, 1996. Though the arbitration clause contemplates appointment of three Arbitrators, considering the scope of the dispute between the parties, both the learned counsel for the petitioner as well as the respondent submitted



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that it would be suffice if a sole Arbitrator is appointed. Accordingly, by consent of both sides, this Court is inclined to appoint a sole Arbitrator viz., **The Hon'ble Mr.Justice.N.Paul Vasanthakumar, (Retired Chief Justice of Jammu and Kashmir), having address at "ASHIRVADH", No.24-A, II Street, Kamaraj Avenue, Adyar, Chennai-600 020 (Cell:9444390963)** as the Sole Arbitrator. The sole Arbitrator is directed to enter upon reference and adjudicate the dispute in accordance with law.

5. 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 twelve (12) months from the date of his entering into reference.

6. Accordingly, this Arbitration Original Petition is allowed. No costs.

05.12.2024

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Index : Yes / No

Internet : Yes / No



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P.B.BALAJI, J.,

sr

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