



Arb. O.P. (Com. Div.) No.21 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.02.2025

CORAM

THE HON'BLE Mr. JUSTICE ABDUL QUDDHOSE

Arb.O.P (Com.Div.) No.21 of 2025

M/s. Ourland Engineering Works Pvt. Ltd.,
Rep. by its Director
Mr.P.S. Sivaguru

... Petitioner

VS.

1. The Commissioner,
Thiruverkaadu Municipality,
Sivan Kovil Road,
Thambusamy Nagar,
Thiruverkaadu,
Tamil Nadu – 600 077.

2. The Director of Municipal Administration,
Directorate of Municipal Administration,
75, Urban Administrative Building,
Santhome High Road,
MRC Nagar,
Raja Annamalaipuram,
Chennai – 600 028.

... Respondent

Prayer : Arbitration Original Petition (Commercial Division) filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 for the following reliefs :-

a) To appoint an arbitrator to adjudicate the disputes between the petitioner and the 1st respondent in terms of Work Order bearing ROC



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No.291/2023/H1, dated 14.06.2023 arising out of Tender Agreement

No.291/2023/H1, dated 07.03.2023 and

b) Direct the respondents to pay the costs.

For petitioner	: Mr.V. Raghavachari, Senior Counsel for Mr.M. Karthikeyan
For respondents	: Mr.P. Srinivas Standing Counsel for Thiruverkaadu Municipality

ORDER

This petition has been filed under Section 11 of the Arbitration and Conciliation Act, 1996, seeking for appointment of an arbitrator by this Court.

2. The petitioner was a successful bidder in an auction conducted by the 1st respondent. Thereafter the 1st respondent issued a Work Order, dated 14.06.2023 in favour of the petitioner which contains the terms and conditions of the contract. There seems to be a dispute arising out of the Work Order, dated 14.06.2023. The Work Order, dated 14.06.2023 contains an arbitration clause and the same is extracted hereunder :-

15.2 Arbitration

a) Procedure: Subject to the provisions of clause 15.1, any dispute



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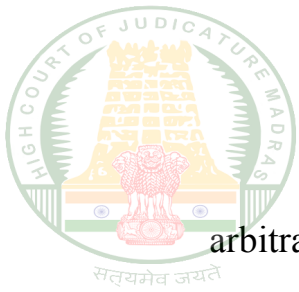
which is not resolved amicably shall be finally settled by binding arbitration under the Indian arbitration act, 1996 or any amendments or additions thereto. The arbitration shall be by a panel of three arbitrators, one to be appointed by each party and the third to be appointed by the Director of Municipal Administration. The party requiring arbitration shall appoint an arbitrator in writing, inform the other party about such appointment and call upon the other party to appoint its arbitrator. If within 15 days of receipt of such intimation, the other party fails to appoint its arbitrator, the party seeking appointment of arbitrator may take further steps in accordance with arbitration act. The process of selection of such arbitrators shall be a maximum of 30 days.

b) Place of arbitration: The place of arbitration shall ordinarily be (insert name of town/city) but by Agreement of the parties, the arbitration hearings, if required, may be held elsewhere

c) English language: The request for arbitration, the answer to the request, the terms of reference, any written submissions, any orders and awards shall be in English and, if oral hearings take place, English shall be the language to be used in the hearings.

d) Enforcement of award: The parties agree that the decision or award resulting from arbitration shall be final and binding upon the parties and shall be enforceable in accordance with the provision of the Arbitration act subject to the rights of the aggrieved parties to secure relief from any higher forum.

3. The petitioner has invoked the arbitration as per the arbitration clause by issuing a notice to the respondents on 09.12.2024 as per the provisions of Section 21 of the Arbitration and Conciliation Act, 1996. A reply has also been received by the petitioner to the said notice. Since there is no consensus between the parties with regard to the name of the arbitrator, the petitioner has filed this petition under Section 11 of the Arbitration and Conciliation Act, 1996 seeking for appointment of an

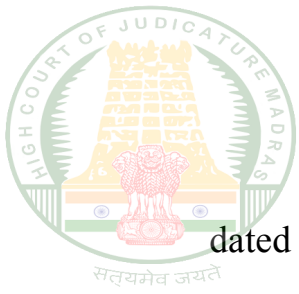


arbitrator.

WEB COPY 4. The learned Standing Counsel appearing for the respondents would submit that there exists an arbitration clause in the subject matter of the dispute. He has no objection for appointment of an arbitrator by this Court under Section 11 of the Arbitration and Conciliation Act, 1996. Since there is an arbitration agreement between the parties in respect of the subject matter of the dispute, this Court will have to necessarily appoint an arbitrator under Section 11 of the Arbitration and Conciliation Act.

5. Both the learned counsels have also submitted on instructions that the parties, by consent are willing for appointing Hon'ble Mr.Justice V. Bharathidasan, the former Judge of this Court as the sole Arbitrator to adjudicate the dispute between the parties arising out of the Work Order, dated 14.06.2023.

6. Since both the parties have consented for the aforesaid appointment, this Court is inclined to appoint Hon'ble Mr.Justice V.Bharathidasan, the former Judge of this Court as the sole Arbitrator to adjudicate the dispute between the parties arising out of the Work Order,



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dated 14.06.2023.

WEB COPY 7. For the foregoing reasons, this Arbitration Original Petition is

allowed as prayed for by issuing the following directions :-

a) This Court appoints Hon'ble Mr. Justice V. Bharathidasan, the former Judge of this Court, residing at No.22 (L-45), 2nd Main Road, Kamaraj Nagar, Thiruvannamiyur, Chennai – 600 041 (Mobile No.9444383139) as the sole Arbitrator to adjudicate the dispute between the parties arising out of the aforesaid agreement.

(b) The Arbitrator shall be paid his remuneration / fees in accordance with the 4th schedule of the Arbitration and Conciliation Act, 1996.

(c) Both the parties shall equally share the arbitrator's fees.

(d) The Arbitrator shall conduct the arbitration in accordance with the provisions of the Arbitration and Conciliation Act, 1996 and shall complete the arbitration within the specified time as prescribed under the said Act.

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(1/2)

Index: Yes/ No

Speaking order / Non speaking order

Neutral citation : Yes / No

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