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OSA (CAD) No.67 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.06.2025

CORAM

THE HON'BLE MR.K.R.SHRIRAM, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SUNDER MOHAN

OSA (CAD) No.67 of 2025

Constronics Infra Ltd
Rep.by its Authorised Signatory
K.Suresh Kumaar : Appellant

Vs

NTPC Tamil Nadu Energy Company Ltd
Vallur Thermal Power Project
Post-Vellivoyal Chavadi Ponneri Tk
Thiruvallur District
Chennai 600 103 : Respondent

Prayer: Appeal filed to set aside the Order dated 21.12.2024 in A.No.5235 of 2024 in Arb.Appl.No.440 of 2024.

For Appellant : Mr.C.P.Hem Kumar
for M/s.Ganesh and Ganesh

For Respondent : Mr.M.Vijayan,
for King and Partridge



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JUDGMENT

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(Judgment of the Court was delivered by the Hon'ble Chief Justice)

On 23.06.2025, the following order was passed:

“Counsel states that, in view of the subsequent developments, leave be given to withdraw the appeal with liberty to file an application under Section 17 of the Arbitration and Conciliation Act, 1996 before the Arbitral Tribunal.

2. To a query posed by this Court, counsel for respondent also stated that even respondent is ready to refer the dispute to arbitration. Both counsels stated that this Court itself may appoint the Arbitral Tribunal and requested the matter be posted tomorrow for directions.

Stand over to 24.06.2025 for directions.”

2. Today, both parties have tendered memos, by which both are agreeable to referring the dispute to a sole arbitrator, instead of a panel of three arbitrators, as provided in the contract.

3. Shri. Vijayan states that he has received an e-mail last night, agreeing for appointment of sole arbitrator. Printout thereof is annexed to the memo filed on behalf of respondent.



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4. Both counsels stated that the Court may appoint any retired Judge as a sole arbitrator. When the Court suggested the name of Hon'ble Mr.Justice S.Vaidyanathan, former Chief Justice of the Meghalaya High Court, both counsel immediately agreed.

5. Accordingly, His Lordship Hon'ble Mr.Justice S.Vaidyanathan (Retd.) former Chief Justice of the Meghalaya High Court is appointed as sole Arbitrator to arbitrate on all disputes, including counter-claim arising out of, in connection with and relating to, agreement (LOA) dated 03.05.2024, and the connected tender documents.

6. The fees and administrative expenses, including typing charges, if any, shall be shared equally by the parties and the same shall be subject to costs in the arbitral proceedings.

7. The learned Arbitrator to file a declaration as required under Section 11(8) read with Section 12(1) of the Arbitration and Conciliation Act, 1996, directly with the parties through their advocates and a copy be sent to the Registrar General for placing the same on record along with the



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records and proceedings.

8. All rights and contentions are kept open to be raised before the learned Arbitrator.

9. Appeal stands disposed of. There will be no order as to costs.

(K.R.SHRIRAM, C.J.)

(SUNDER MOHAN, J.)

24.06.2025

Index : Yes/No

Neutral Citation : Yes/No

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The Sub-Assistant Registrar,
Original Side Section,
Madras High Court



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THE HON'BLE CHIEF JUSTICE

AND

SUNDER MOHAN, J.

(tar)

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24.06.2025