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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-01-2026

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THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

Arb O.P(COM.DIV.) No. 84 of 2026

M/s.K.S. & Company
Represented by its Partner,
Mr.K.Sundaresan, 4/150, Lake Area
Main Road, Uthangudi Post,
Madurai - 625 107.

..Petitioner(s)

Vs

1. The Executive Engineer
Irrigation Division, Public Works
Department, Puducherry - 605 001.

2.The Chief Engineer
Public Works Department,
Puducherry -605001

Respondent(s)

PRAYER

Petition filed under Section 15(2) of the Arbitration and Conciliation Act, 1996, to appoint a substitute Arbitrator in place of Honourable Mr.Justice Pongiappan (Retd.), Sole Arbitrator, to continue the arbitral proceedings between the Petitioner and the respondents, arising under the Agreement No.80/PW/ID/A2/2014-2015, from the state at which it was before Honourable Mr.Justice G.Rajasuriya.



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For Petitioner(s): Mrs. Mithreyi Kasthurirangan

For Respondent(s): Mr. V. Vasanthakumar
Additional Government Pleader

ORDER

This petition has been filed under Section 15(2) of the Arbitration and Conciliation Act, 1996 [hereinafter referred to as 'the Act'], to substitute the Arbitrator in the place of Hon'ble Mr. Justice R. Pongiappan (retired) to continue with the earlier proceedings between the petitioner and the respondent arising out of the work order dated 08.08.2014.

2.Heard the learned counsel for the petitioner and the learned Government Advocate appearing on behalf of the respondents.

3.It is seen from the records that the statement of claim along with the documents, was originally filed before the Hon'ble Mr. Justice G. Rajasuria (late). On his demise, the matter was placed before the Hon'ble Mr. Justice R. Pongiappan (retired). The Hon'ble Judge through proceedings dated 09.9.2025, has terminated the proceedings. In view of the same, the present petition has been filed for substituting the Arbitrator.



4.The learned counsel for the petitioner submitted that the original statement of claim, along with the documents, was filed before the Hon'ble Mr. Justice G. Rajasuria (late) and in view of his demise, the same is not able to be traced. Hence, the learned counsel requested this Court to pass appropriate orders in this regard.

5.In the considered view of this Court, the proceedings were pending at the stage of filing the amended statement of claim. However, no effective hearing has commenced in this case. Therefore, instead of wasting time to retrieve the original statement of claim along with the documents, it will suffice if the true copy of the statement of claim, along with the documents, is placed before the Arbitrator who is going to be appointed by this Court. Thereafter, the Sole Arbitrator appointed by this Court shall commence the proceedings from the stage of filing of the amended statement of claim.

6.Taking into consideration the facts and circumstances of the case and the materials placed before this Court, this Court proceeds to appoint a Sole Arbitrator. Accordingly, Mr.E.Om Prakash, Senior Counsel, No.321, Old No.155, II Floor, Thambu Chetty Street (opp. To MHC), Parrys, Chennai 600 001 [Mobile: 9444045745], is appointed as sole Arbitrator. The sole Arbitrator is requested to enter upon reference, adjudicate upon arbitrable disputes that have arisen between the parties. The Arbitrator shall holds holding sittings in



the 'Madras High Court Arbitration Centre under the aegis of this Court' (MHCAC) as per Madras High Court Arbitration Proceedings Rules 2017 and fee of Hon'ble sole Arbitrator shall be in accordance with the Madras High Court Arbitration Centre (MHCAC) (Administrative Cost and Arbitrator's Fees) Rules 2017.

7. This petition is disposed of in the above terms. No Costs.

30-01-2026

Index: Yes/No
Speaking/Non-speaking order
Internet: Yes
Neutral Citation: Yes/No
kp



To

1. The Executive Engineer
Irrigation Division, Public Works
Department, Puducherry - 605 001.

2. The Chief Engineer
Public Works Department,
Puducherry -605001

3. The Director
Tamil Nadu Mediation and Conciliation
Centre-cum-Ex-Officio Member
Madras High Court Arbitration Centre
Chennai – 104.

4. Mr. E. Om Prakash
Senior Counsel
No. 321, Old No. 155
II Floor, Thambu Chetty Street
(opp. To MHC), Parrys
Chennai 600 001.



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6

Arb O.P(COM.DIV.) No. 84 of
2026



N.ANAND VENKATESH J.

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