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IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

MONDAY, THE 23<sup>rd</sup> DAY OF AUGUST 2021

THE HON'BLE MR. JUSTICE N.SATHISH KUMAR

Arb.O.P.(Comm.Div.)No.45 of 2021

In the matter of Arbitration and  
Conciliation Act, 1996

And

In the matter of purchase order dated  
11.1.2018.

M/s. Dellner India (P) Limited,  
represented by its Managing Director,  
Mr.Manvinderjit Singh,  
Aged 50 years, Survey No.59/1, Padur Road,  
Mevalurkuppam, Sriperumbudur Taluk,  
Kanchipuram District 602 105.

... Petitioner

Vs.

Integral Coach Factory,  
rep. by its General Manager,  
Chennai-600 038.

... Respondent

Original Petition praying that this Hon'ble Court be pleased to appoint  
a Sole arbitrator in terms of Section 11(5) of Arbitration and Conciliation  
Act, 1996 to decide the dispute between the petitioner and the respondent  
arising out of the Purchase Order No.07/17/0221/1131/F dated 11.01.2018.



This Original Petition coming on this day before this court for hearing through video conference in the presence of Mr.Goutham Ram Vittal for Mr.S.Murugappan, advocates for the petitioner herein and Mr.P.T.Ramkumar, Advocate for the respondent herein and upon reading the petition and the Affidavit of Manvinderjit Singh filed herein,  
it is ordered as follows:-

That the Honourable Mr. Justice AUTHINATHAN, Former Judge, Madras High Court, residing at Flat No. 37, A-Block, Lakshmi Nivas, (Opp. To Rajarathinam Stadium), Rukmani Lakshmi Pathy Salai, Egmore, Chennai-600 008, Contact Nos.94455 08822 / 94430 84123, Email ID :  
[justiceauthinathan@gmail.com](mailto:justiceauthinathan@gmail.com) be and is hereby appointed as a Arbitrator to enter upon reference and adjudicate the disputes inter se the parties.

2) That the learned Arbitrator appointed herein, shall, after issuing notice to the parties and upon hearing them, pass an order as expeditiously as possible, preferably within a period of six months from the date of receipt of a copy of this order.

3) That the learned Sole Arbitrator appointed herein shall be paid fees and other incidental charges, fixed by him and the same shall be borne by the parties equally.



4) That the both parties hereto shall bear their own costs.

**WEB COPY** WITNESS THE HON'BLE MR. JUSTICE SANJIB BANERJEE,  
CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE  
23<sup>rd</sup> DAY OF AUGUST 2021.

Sd./-

ASSISTANT REGISTRAR (O.S.II)

//Certified to be true copy//

Dated at Madras this the      day of                  2021.

COURT OFFICER(O.S.)

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of the Orders/Judgments/Decrees in this format.



KY-06.09.2021

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Arb.O.P.(Comm.Div)No.45 of 2021

ORDER

DATED: 23.08.2021

THE HON'BLE MR. JUSTICE  
N.SATHISH KUMAR

FOR APPROVAL: 06.09.2021

APPROVED ON : 07.09.2021

Copy to:

The Honourable Mr. Justice  
AUTHINATHAN, Former Judge,  
Madras High Court,  
residing at Flat No. 37, A-Block,  
Lakshmi Nivas,  
(Opp. To Rajarathinam Stadium),  
Rukmani Lakshmipathy Salai,  
Egmore, Chennai-600 008,  
Contact Nos.94455 08822 /  
94430 84123,  
Email ID :-  
[justiceauthinathan@gmail.com](mailto:justiceauthinathan@gmail.com)

(With covering letter)



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**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

DATED : 23.08.2021

CORAM

**THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR**

**Arb. O.P. (Comm. Div.) No.45 of 2021**

M/s. Dellner India (P) Limited,  
rep. by its Managing Director  
Mr.Manvinderjit Singh ... Petitioner

Vs.

Integral Coach Factory,  
rep. by its General Manager,  
Chennai-600 038. ... Respondent

**PRAAYER :** Original Petition is filed under Section 11 of the Arbitration and Conciliation Act, 1996, praying to appoint a Sole arbitrator in terms of Section 11(5) of Arbitration and Conciliation Act, 1996 to decide the dispute between the petitioner and the respondent arising out of the Purchase Order No.07/17/0221/1131/F dated 11.01.2018.

For Petitioner : Mr. Goutham Ram Vittal  
for Mr.S.Murugappan

For Respondent : Mr. P.T. Ramkumar



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**(This case has been heard through video conference)**

This Original Petition has been filed seeking for appointment of Sole Arbitrator to appoint a Sole Arbitrator to decide the dispute between the petitioner and the respondent over the purchaser order No. 07/17/0221/1131/F, dated 11.01.2018.

2. Heard the learned counsel appearing for the petitioner and the respondent through video conferencing.

3. Admittedly, the parties are governed by the Conditions of Contract No.2900 entered in the purchase order. So, the Conditions of Contract provides for reference to the arbitration. However, Conditions of Contract stipulates that such Arbitrator is to be appointed within 60 days and the panel should be submitted by the respondent Railways within 60 days from the date of demand made by the other side. However, in this case, despite the notice was given on 28.09.2020, no such panel was submitted by the respondent Railways. Instead of submitting the panel as required in General Conditions of Contract, after one year, the respondent Railways issued a notice for meeting. Therefore, this Court is of the view that such meeting, after the period of one year is only a futile exercise. In fact, the respondent



Railways has not appointed the Arbitrator as per the conditions of contract within a time.

4. In view of the above, as both sides agreed to appoint independent Sole Arbitrator, and having regard to the purchase order dated 11.01.2018 with Conditions of Contract No.2900 entered into between the parties, it is ordered as follows :

i) Honourable Mr. Justice AUTHINATHAN, Former Judge, Madras High Court, residing at Flat No. 37, A-Block, Lakshmi Nivas, (Opp. To Rajarathinam Stadium), Rukmani Lakshmi Pathy Salai, Egmore, Chennai-600 008, Contact Nos.94455 08822 / 94430 84123, Email ID :- [justiceauthinathan@gmail.com](mailto:justiceauthinathan@gmail.com) is appointed as the Arbitrator to enter upon reference and adjudicate the disputes *inter se* the parties.

ii] That the learned Arbitrator appointed herein, shall after issuing notice to the parties and upon hearing them, pass an award as expeditiously as possible, preferably within a period of six months from the date of receipt of the Order.

iii] That the learned Sole Arbitrator appointed herein

<https://hcservices.ecourts.gov.in/hcservices/>  
shall be paid fees and other incidental charges, fixed by him



and the same shall be borne by the parties equally.

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**5.** This Original Petition is ordered accordingly, leaving the parties to bear their own costs.

Sd./-N.S.K.J.,  
23.08.2021

//Certified to be true copy//

Dated at Madras this the    day of        2021.

**COURT OFFICER(O.S.)**

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