

**2023 STPL(WEB) 24 SC
SUPREME COURT OF INDIA**

(VIKRAM NATH AND AHSANUDDIN AMANULLAH, JJ.)

M/S. REVATHI ENTERPRISES REP. BY ITS PARTNER MR. R. SRINIVASAN

Appellant

VERSUS

M/S. GOEL INDUSTRIES REP. BY ITS PROPRIETOR MR. RAM NIVAS GOEL

Respondent

Civil Appeal No(s). 9188 of 2015-Decided on 14-06-2023

Arbitration - Appointment of Arbitrator

ORDER

1. Heard the appellant-in-person through virtual mode. No one has appeared on behalf of the respondent despite service of notice and the matter having remained pending for almost 9 to 10 years.

2. This appeal has arisen out of an arbitration award. The matter was carried up to Division Bench of the High Court of Madras by way of an appeal by the present appellant registered as OSA No. 220 of 2006 titled M/s.Revathi Enterprises versus M/s. Goel Industries.

3. The Division Bench of the Madras High Court vide order dated 7th July 2009 allowed the said appeal setting aside the order of the learned Single Judge and gave liberty to the parties to approach for fresh appointment of arbitrator. The operative portion of the said order as contained in paragraph 5 thereof is reproduced hereunder :-

'In the result, the appeal is allowed thereof setting aside the order of the learned Judge dated 11.06.2006 in O.P. No. 30 of 2003. The Parties are at liberty to approach for appointment of fresh Arbitrator. Consequently, connected Miscellaneous Petition is closed. There will, however, be no order as to costs.'

4. This order of the Division Bench was assailed by the present appellant before this Court by way of Special Leave Petition which was dismissed by order dated 11.02.2010.

5. It appears that thereafter the parties have, on their own, suggested the names of arbitrator. However, as there was no agreement, the respondent M/s. Goel Industries invoked the powers of the appointment of Arbitrator under Section 11(6) of the Arbitration and Conciliation Act, 1996. The Chief Justice of the High Court of Judicature at Madras by an order dated 31st October, 2014 appointed an arbitrator.

6. It is this appointment of Arbitrator by the Chief Justice of the High Court of Judicature at Madras which is under challenge in the present appeal.

7. We do not find any justification to interfere with the said order in as much as once the Division Bench had granted liberty to the parties to approach for appointment of fresh arbitrator, and the Court having exercised its powers under Section 11(6) of the Arbitration and Conciliation Act, 1996, no fault can be found in the same. The appeal is accordingly dismissed.

8. Pending application(s), if any, shall stand disposed of.
