

IN THE SUPREME COURT OF INDIA

BEFORE HON'BLE MR. JUSTICE TARUN CHATTERJEE

ARBITRATIN PETITION NO. 5 OF 2005

IN THE MATTER OF

FERTILIZERS & CHEMI.TRAVANCORE LTD.

PETITIONER (S)

VERSUS

M/S. SAUDI INDUSTRIAL EXPORT CO.

RESPONDENT (S)

(With office report)

For petitioner:

Mr.Ritin Rai,adv.

Mr.M.P.Vinod,adv.

For respondent:

O R D E R

In spite of repeated service on the respondent, no one has entered appearance at the time of hearing of this petition for appointment of Arbitrator in exercise of power under Sec .11 (6) of the Arbitration and conciliation Act, 1996. It appears that a contract was entered into by the petitioner and the respondent for supply of sulphur in the month of February 1999. Accordingly, supply was started but eventually the contract had to be cancelled at the instance of the petitioner for non supply of the balance quantity of sulphur by the respondent. The petitioner lodged a complaint for damages of

11,857 dollars. Thereafter, notice was served on

the opposite

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party and one Mr. P.M.Abraham was appointed as the Arbitrator at the instance of the petitioner on the basis of the arbitration clause in the agreement. In view of the fact that the respondent did not appear nor they consented to the appointment of Mr. P.M.Abraham as Arbitrator, I am of the view that an independent person may be appointed for entering into the arbitration reference. Accordingly, I appoint Hon'ble Mr. Justice M.Jagannadha Rao, former Judge of this Court, 1 Janpath, New Delhi-11001, as the Arbitrator to arbitrate the dispute raised by the petitioner and make award within a period of six months from the date of entering into reference by him. The remuneration of the Arbitrator may be fixed by the learned Arbitrator himself.

The Arbitration Petition is disposed of.

.....J.
(TARUN CHATTERJEE)

New Delhi;

February 2, 2006.