

In the High Court of Judicature at Madras

Dated : 09.10.2015

Coram :

The Hon'ble Mr.Sanjay Kishan Kaul, Chief Justice

O.P.No.823 of 2015

Sri Venkatesh Motors
Rep. by its Proprietor, G.Jayakumar.

.. Petitioner

-VS-

M/s.Eicher Limited
(A unit of Royal Enfield)
Regional Office at 'Devi Kripa',
Old No.3, New No.9, Besant Avenue,
Adyar, Chennai.

.. Respondent

Petition filed under Sections 11 (4) of the Arbitration and Conciliation Act, 1996, for appointment of Sole Arbitrator to resolve the disputes that has arisen between the petitioner and the respondent in relation to the Dealership Agreement dated 27.9.2004.

For Petitioner : Mr.Ashokpathy
for Mr.T.Ravikumar

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O R D E R

The arbitration clause in question is as under:

"30. ARBITRATION & JURISDICTION:

*The parties hereo shall endeavor to settle by mutual conciliation any claim, dispute, or controversy ("Dispute") arising out of, or in relation to, this Agreement, including any Dispute with respect to the existence or validity hereof, the interpretation hereof, the activities performed hereunder, or the breach hereof. Any Dispute which cannot be so resolved through such conciliation within 30 days or such extended period as the parties may agree, shall be finally settled under the provisions of the Indian Arbitration and Conciliation Act, 1996 and Rules made thereunder and any statutory modifications thereof in Delhi. **The seat of arbitration shall always be at Delhi and the Courts of Delhi shall have exclusive jurisdiction in all matters arising under this Agreement.**"*

(emphasis supplied)

2.I am, thus, unequivocally of the view that it is the courts of Delhi which would have jurisdiction in this matter.

3.It may be noticed that the application preferred by the petitioner under section 9 of the Arbitration and Conciliation Act, 1996, is stated to have been dismissed, though the issue of jurisdiction was left open.

4.Original petition is, thus, dismissed with liberty to move the appropriate Court of territorial jurisdiction. No costs.

(S.K.K., CJ.)
09.10.2015

sra

The Hon'ble Chief Justice

(sra)

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