

In the High Court of Judicature at Madras

Dated : 12.02.2016

Coram :

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

O.P.No.968 of 2015

M/s.Shriram Transport Finance Co. Ltd.,
rep. by its Manager Ambuj Kishore Singh,
Mookambika Complex, 3rd Floor,
No.4, Lady Desika Road,
Mylapore, Chennai-600 004.

.. Petitioner

-VS-

M/s.Duruva Finance Private Limited,
rep. by Managing Director T.Senapathy,
No.40, Senkunthapuram, 4th Cross,
Karur-639 002.

.. Respondent

Petition filed under Section 11 (6) of the Arbitration and Conciliation Act, 1996, to pass appropriate orders appointing an arbitrator for the respondent under Section 11(6) of the Arbitration and Conciliation Act, 1996, thereby enabling the two Arbitrators to constitute Arbitral Tribunal to adjudicate on the disputes between the petitioner and the respondent arising out of the Joint Venture Agreement dated 01.06.2008.

For Petitioner : Mr.N.Vijayaraghavan

For Respondent : Mr.G.Ashokapathy

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ORDER

On hearing the learned counsel for parties, it is agreed as under:-

- (1) An Arbitrator be appointed in view of the dispute resolution Clause No.15 of the Franchisee Agreement dated 08.02.2007 and Clause No.13 of the Joint Venture Agreement dated 01.06.2008.
- (2) Instead of the stipulated three Arbitrators, only one Arbitrator be appointed.
- (3) All pleas and defences are left open to the parties to be raised before the Arbitrator, including the plea of limitation.
- (4) Mr.M.Nandan, a retired Judicial Officer is proposed and accepted as the Sole Arbitrator.

2. I, thus, appoint Mr.M.Nandan, a retired Judicial Officer, residing at No.171, MIG, IV Main Road, Tamil Nadu Housing Board, Nolambur Phase-II, Mogappair West, Chennai-600 037 to enter upon the reference and adjudicate the disputes *inter se* the parties. The arbitration proceedings will be conducted under the aegis of the Madras High Court

Arbitration Centre and the parties will be governed by the Rules of the Madras High Court Arbitration Centre (MHCAC) (Arbitration Proceedings) & (Administrative Cost and Arbitrators' Fees) Rules, 2014.

3. The Original Petition is accordingly allowed, leaving the parties to bear their own costs.

(S.K.K., CJ.)
12.02.2016

Index : Yes/No

Internet : Yes/No

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Note: Mark a copy to

(i) The Addl. Registrar-Vigilance
Madras High Court Arbitration Centre,
Madras High Court Campus, Chennai.

(ii) The Arbitrator, as referred above.

The Hon'ble Chief Justice

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