

In the High Court of Judicature at Madras

Dated : 01.04.2016

Coram :

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

O.P.No.117 of 2016

Lotus Labs Private Limited,
registered office at "Lotus House",
7, Jasma Bhavan Road,
Opposite Gurunanak Bhavan,
Millers Tank Bed Area,
Vasanth Nagar,
Bangalore-560 052,
rep. by Hari Sankar Singamsetty,
Managing Director.

.. Petitioner

-VS-

Orchid Healthcare,
A division of Orchid Chemicals and Pharmaceuticals Ltd.,
registered office at
B5 (Part), B6 (Part), SIPCOT,
Industrial Park,
Irungattukottai,
Sriperumbudur,
Kancheepuram District,
Tamil Nadu.

And

313, Valluvar Kottam High Road,
Nungambakkam, Chennai-600 034,
rep. by Kailasam Raghavendra Road,
Managing Director.

.. Respondent

Petition filed under Section 11(6) of the Arbitration and Conciliation Act, 1996, to appoint an independent and impartial arbitrator to act as the sole arbitrator and refer the disputes raised by the petitioner with the respondent to arbitration under the Arbitration and Conciliation Act, 1996.

For Petitioner : Mr.Thriyambak J.Kannan

For Respondent : Mr.S.Nanchill J.Rajkumar

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ORDER

Mr.Nanchill J.Rajkumar, the learned counsel has entered appearance for the respondent.

2. The respondent neither disputed the arbitration clause nor the existence of the disputes or the venue being at Bengaluru.

3. It is proposed that instead of the two suggested Arbitrators, Mr.Aditya Sondhi, Senior Advocate, No.101, Landmark Cunningham Crescent Road, Bengaluru-560 052 (Phone No.080 – 22250428) be appointed as the Sole Arbitrator to adjudicate the disputes. The learned counsel for parties, however, state that they would like to make an endeavour first to settle the disputes through the mediation and the arbitration should begin only in case the settlement is not possible.

4. In view of the aforesaid, the following agreed order is passed:-

(1) The parties will appear before the Madras High Court Mediation and Conciliation Centre, Madras High Court Campus on 20th April, 2016 at 2.15 P.M., when the Mediator will be nominated.

(2) The Mediator will endeavour to conclude the mediation within two months from the first date fixed or any extended period as may be granted by the Court.

(3) In case the mediation is not successful, the disputes will stand referred for resolution through Mr.Aditya Sondhi, Senior Advocate, No.101, Landmark Cunningham Crescent Road, Bengaluru-560 052 being the Sole Arbitrator.

(4) The fee structure applicable to the arbitration would be as per the amended Arbitration and Conciliation Act, 1996.

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

(S.K.K., CJ.)
01.04.2016

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Note: Mark a copy to

1. The Assistant Register,
Mediation and Conciliation Centre,
Madras High Court Campus.
2. The Arbitrator, as referred above.

The Hon'ble Chief Justice

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