In the High Court of Judicature at Madras

Dated : 26.04.2016

Coram :

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

O.P.No.23 of 2016

1.Brilliant Tutorials Private Limited
No.12, Masilamani Street,
T.Nagar, Chennai.

2.Vasanti Neelakantan
3.Radha Neelakantan .. Petitioners

-vs-

1.Religare Finvest Ltd.,
D-3, P3B, District Centre,
Saket, New Delhi, through its
Authorised Representative,
Sh.Mukesh Kumar Choudhary.

2.The Sole Arbitrator,
Sh.Sanjay Aggarwal, Advocate,
G12/1, Sector-15, Rohini, Delhi. .. Respondents

Petition filed under Section 11 (6), 14 & 15 of the Arbitration and Conciliation Act, 1996, to terminate the mandate of 2nd respondent and appoint a Sole Arbitrator to resolve the dispute in terms of the Facility Agreement dated 31.12.2012.

For Petitioners : Mr.Anil Ralwani
for M/s.N.V.S.Associates

For Respondents : Mr.S.Namasivayam

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O R D E R

The records produced show that though the proceedings on 13.12.2014 was adjourned to 31.01.2015, somehow the Arbitrator took up the matter on 20.12.2014 when orders were passed under Section 17 of the Arbitration and Conciliation Act, 1996.

2.Learned counsel for the respondents, though has objections to the exercise of jurisdiction of this Court, states that the Arbitrator be permitted to withdraw the order passed on 20.12.2014 and he will pass a fresh order after hearing the petitioner.

3.I am of the view that that is the fair solution to the problem at hand, especially as number of proceedings have been held thereafter and also taking into consideration the aspect of jurisdiction as contained in the arbitration clause.

4.The aforesaid statement is taken on record.

5.The Original Petition stands disposed of, making it clear that the concession accorded aforesaid of the respondent will not amount to conferring jurisdiction of this Court. Parties are left to bear their own costs.

(S.K.K., CJ.)
26.04.2016

sra

The Hon'ble Chief Justice

(sra)

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