

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2017

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THE HONOURABLE DR.JUSTICE ANITA SUMANTH

O.P. No.258 of 2017

M/s. Bharat Motors Ltd.,
a company registered under the
Companies Act, 1956, having its
Corporate Office at N.H.5, Pahal,
Bhubaneswar- 752101, Khurda,
Odisha, India rep. by its
Executive Director
Sri Aditya Bhalotia

.. Petitioner

-VS-

Ashok Leyland Limited
a company registered under the
Companies Act, 1956, having its
Corporate Office at No.1, Sardar Patel Road,
Guindy, Chennai 60 0032 rep. by its
Chairman-cum-Managing Director

.. Respondent

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Prayer: Petition filed under Section 11(6) of the Arbitration & Conciliation Act, 1996 to appoint a Sole Arbitrator to adjudicate and decide the disputes between the parties arising out of the Vehicle Dealer agreement dated 31.12.2009.

For Petitioner : Mr.Aniruth Krishnan

For Respondent : No Appearance

ORDER

This petition seeks appointment of a Sole Arbitrator to resolve the disputes between the petitioner and respondent that have arisen pursuant to the Vehicle Dealer Agreement dated 31.12.2009.

2. A Vehicle Dealer Agreement, dated 31.12.2009, was executed *inter se* between the parties and the Arbitration clause is set out in Article 33 of the agreement, which reads as under:

“In the event of differences/disputes, the parties will resolve the same by mutual negotiations. Any unresolved disputes shall be referred for arbitration under Indian Arbitration & Conciliation Act, 1996 to a suitably appointed arbitrator under mutual consent. The decision of the arbitrator will be final and binding on both parties and the venue of such arbitration shall be in Chennai. The language shall be English.”

3. Notice appears to have been issued by the petitioner on 13.10.2014 invoking the Arbitration Clause duly received and

acknowledged by the respondent. Since there was no response, the petitioner has approached this Court by way of the present petition.

4. Notice has been issued to the parties on 24.03.2017 and an affidavit of service has been filed indicating notice served on 18.04.2017 on the respondent. The name of the respondent was printed in the cause list on 16.06.2017. Fresh steps were directed to be taken returnable by 04.07.2017. When the matter is taken up for hearing today, Mr. Aniruth Krishnan, learned counsel appearing for the petitioner submits that the notice has been served on 19.06.2017 and postal acknowledgment receipt has been filed. Despite the same, respondent has not chosen to appear before this Court.

5. In the aforesaid circumstances, I am inclined to order the petition and appoint Justice Mr. G.M. Akbar Ali, a Former Judge of the Madras High Court, residing at No. 6m, 9th Cross Street, Senthil Nagar, Kolathur, Chennai 600 099 (Phone No. 9445025151), as the Sole Arbitrator to enter upon reference and after issuing notice to the parties and upon hearing them, shall endeavor to pass an award as expeditiously as possible, preferably within a period of six months from the date of receipt of the order. The learned Arbitrator is at liberty to fix his remuneration and other incidental expenses, which shall be borne by both the parties equally. As requested, 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 Centre.

6.The Original Petition is accordingly allowed.

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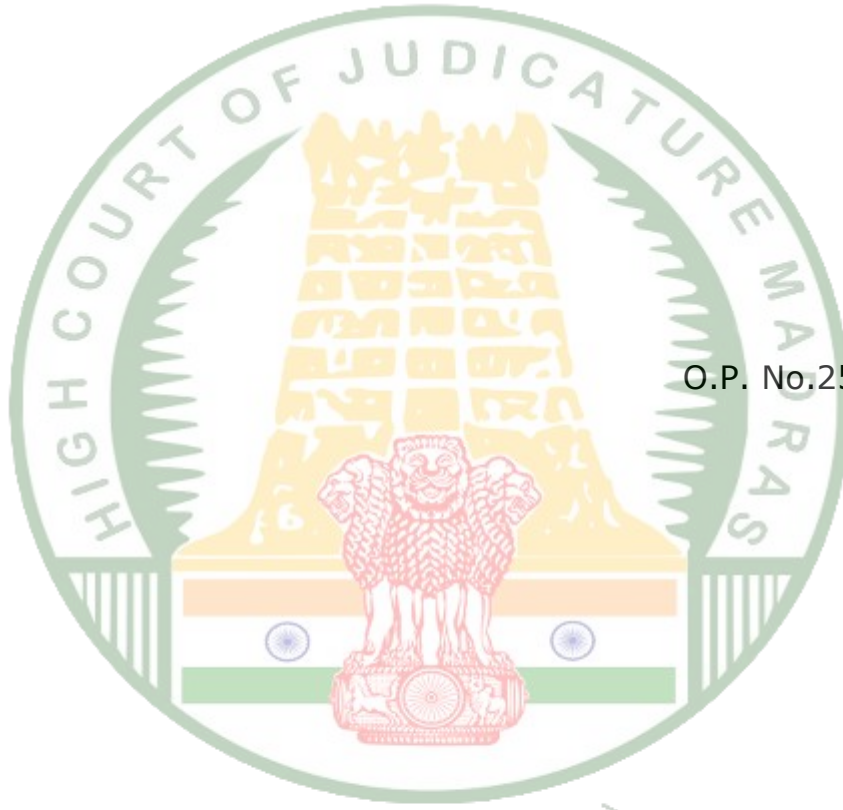
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Dr.ANITA SUMANTH, J.

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