

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 04.12.2017

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THE HONOURABLE DR.JUSTICE ANITA SUMANTH

O.P. No.804 of 2017

M/s.Bharat Petroleum Corporation Limited
rep. by its Territory Manager
Mr.K.Narayanan .. Petitioner

-vs-

Mr.Ganesh,
Proprietor,
Sri Ganeshaa Fuels,
Amaragudhi, Omalur Taluk,
Salem District. .. Respondent

Prayer: Petition filed under Section 11(5) of the Arbitration & Conciliation Act, 1996 to appoint a Sole Arbitrator to adjudicate the dispute arose between the parties herein pursuant to the dispensing pump and selling license agreement dated 01.10.2013.

For Petitioner : Mr.M.Vijayan

For Respondent : No appearance

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ORDER

This petition seeks appointment of a Sole Arbitrator to resolve the disputes between the petitioner and respondents in terms of Article 18(a) of the Dispensing Pump and Selling Licence dated 01.10.2013.

2. Liability of an amount of Rs.7,21,400/- has been admitted by the respondent, who had undertaken to settle the outstanding on or before 08.02.2017 vide letter dated 03.02.2017. However, there has been no compliance and the amount still remains outstanding.

3. The petitioner has issued communication of even date to the respondent seeking immediate compliance of the commitment of repayment, failing which the petitioner has indicated appropriate action as the policy agreed upon, without any response. Notice issued in this petition has been duly received by the respondent and an affidavit of service filed to this effect. However, there is no representation for the respondent, despite his name being printed in the cause list.

4. In the light of the admission of liability by the respondent and the clause for arbitration in the agreement being clause 18, I am inclined to order this petition.

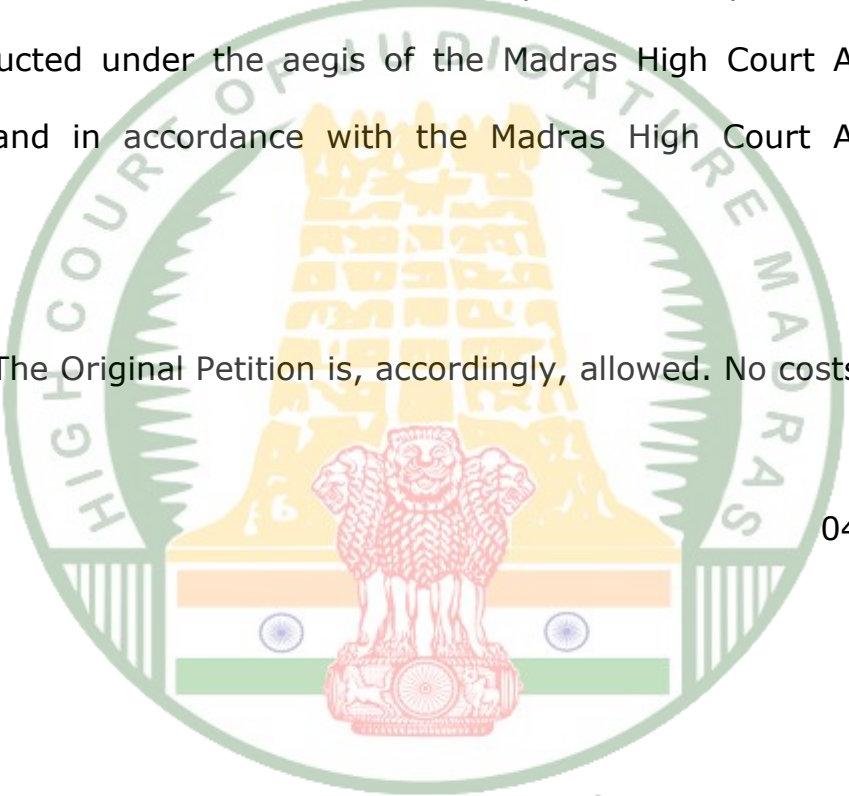
5. I thus, appoint Mr.J.Sivanandaraj, Advocate residing at 16, Kustian Beach Road, Mylapore, Chennai - 04 (Mobile No.9841024778), as the Sole Arbitrator to enter upon reference and

adjudicate the disputes inter se the parties. He may, after issuing notice to the parties and upon hearing them, pass an award as expeditiously as possible, preferably within a period of six months from the date of receipt of the order. The Arbitrator is at liberty to fix his remuneration and other incidental expenses. The proceedings may be conducted under the aegis of the Madras High Court Arbitration Centre and in accordance with the Madras High Court Arbitration Rules.

6.The Original Petition is, accordingly, allowed. No costs.

04.12.2017

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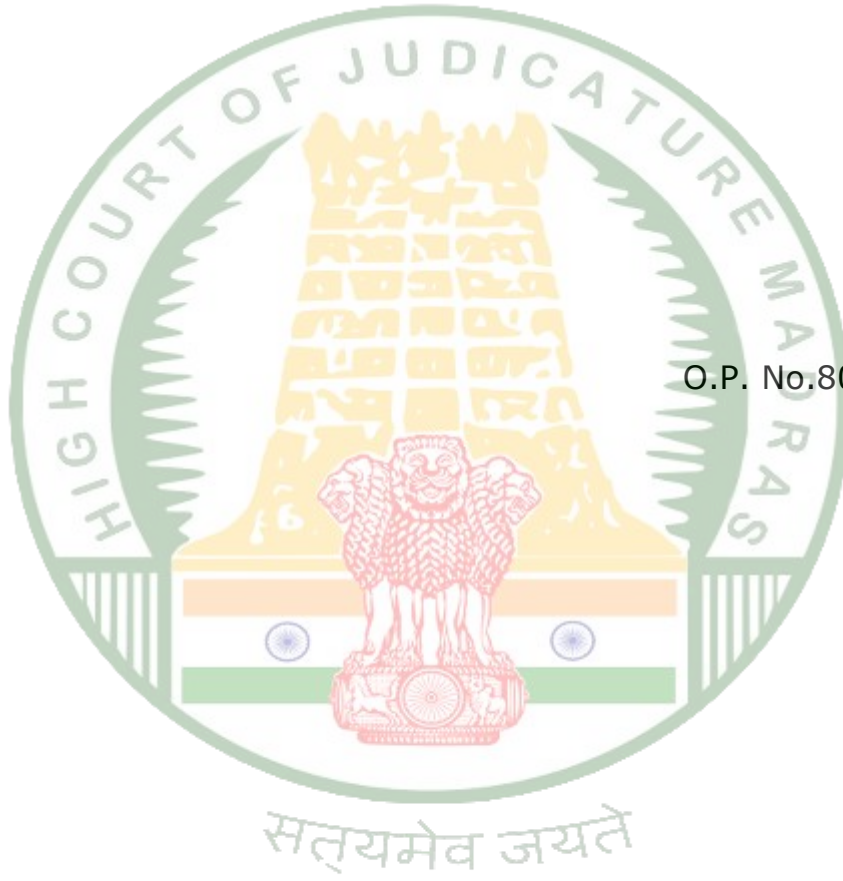


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Dr.ANITA SUMANTH,J.

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