

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2017

CORAM

THE HONOURABLE MR.JUSTICE **M.M.SUNDRESH**

O.P. Nos.87 and 88 of 2016

1.M/s.Rajeswari Infrastructure Limited
18/23, 2nd Cross Street
East CIT Nagar, Nandanam
Chennai – 600 035.

2.Mr.G.Ramamurthy

3.Mrs.R.Usha Petitioners in both OPs

Vs.

1.M/s.Intec Capital Limited
No.701, Manjusha Building
No.57, Nehru Place
New Delhi – 110 019.

2.Mr.Vivek Malik Respondents in both Ops

Petitions filed under Section 34 of the Arbitration & Conciliation Act, 1996 to set aside the award dated 05.11.2015 passed in Arbitration Nos. 47 and 48 of 2015 by the learned Sole Arbitrator.

For Petitioners : Mr.G.Senthil Kumar

For Respondents : Mr.M.Arunachalam for R-1
: No appearance for R-2

COMMON ORDER

These Original Petitions are filed under Section 34 of the Arbitration & Conciliation Act, 1996, to set aside the award dated 05.11.2015 passed by the learned Sole Arbitrator.

2. Though the award passed by the Arbitration Tribunal is sought to be predicated on merits, by assailing it under the provisions of Section 34 of the Arbitration and Conciliation Act, 1996, this Court is of the view that these petitions are not maintainable as rightly submitted by the learned counsel for the respondents.

3. The execution of the Arbitration agreement *inter se* parties is not in dispute. There was a loan agreement entered into between the parties on 31.08.2013.

4. Clause 32 of the agreement speaks about the Arbitration. Clause 33, in turn, speaks about jurisdiction. As per Clause 33.3, Courts at Delhi are given an exclusive jurisdiction under the

agreement.

5. Therefore, the preliminary objections raised by the learned counsel for the respondent has to be upheld and sustained. These petitions filed by the petitioners are not maintainable before this Court for lack of jurisdiction. In such view of the matter, the petitions are dismissed. No costs.

07.11.2017

maya/mfa

Index :Yes/No

Internet:Yes/No

Speaking /Non-speaking order



WEB COPY

M.M.SUNDRESH, J.

maya/mfa



O.P. Nos.87 and 88 of 2016

WEB COPY

Dated : 07.11.2017