

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.07.2017

CORAM

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

O.P.No.880 of 2016

M/s.Zebronics India Pvt. Ltd.,
rep. by its Executive Secretary
Mr.Balaji

.. Petitioner

-VS-

1.Lalesh Kumar Jain

2.L.Shoba Kankariya

3.L.Abhishek Kankariya

4.M.Nandan

.. Respondents

Prayer: Petition filed under Section 34 (2)(a)(i)(4) of the Arbitration & Conciliation Act, 1996 to set aside the award of termination dated 23.05.2016 in un-numbered Arbitration Case in O.P. No.455 of 2015 passed by the fourth respondent herein by giving an opportunity to resume the arbitral proceedings.

For Petitioner : Mr.N.Karthikeyan

For Respondents : Mr.V.Balasubramanian

ORDER

This petition is filed seeking an order to set aside the award of termination dated 23.05.2016 passed by the Arbitrator terminating

the arbitral proceedings before him for the reason that no claim petition was filed by the claimant and neither party had come forward to resolve the disputes inter se.

2.This Court, by order dated 11.09.2015, had, by consent of both parties in the petition, appointed one Mr.Nandan, Judicial Officer (retired) to enter upon the reference and adjudicate the dispute inter se the parties. Pursuant thereto it appears that the Arbitrator had issued notice under Section 19 and 20 of the Arbitration and Conciliation Act, 1996 and a reminder thereafter. Since there was no response from either party, proceedings came to be terminated by the Arbitrator.

3.Heard both sides.

4.Learned counsel for the petitioner would admit that the petitioner has not filed a claim petition before the Arbitrator and learned counsel for the respondent would confirm the position that the respondent had not responded to the notices of the arbitrator. They would admit to the lapses on their clients part thus far but state that the disputes inter se arising out of Leave and License Agreement dated 01.05.2013 are alive and yet to be resolved.

5.They would thus pray for a resumption of the hearings before

the same Arbitrator and draw the attention of the Court to communication dated 10.06.2016 wherein the Arbitrator has indicated his acceptance to resume proceedings. Upon a consideration of the submissions made, I am inclined to accept the request of the parties. The award of termination passed by the Arbitrator dated 23.05.2016 is set aside.

6.Mr.M.Nandan, Judicial Officer (Retired), residing at No.71, MIG IV Main Road, TNHB, Nolambur, Phase-II, Mogappair West Garden, Chennai 600 051, appointed as the Sole Arbitrator by order dated 11.09.2015 in O.P. No.455 of 2015 is re-appointed upon consent of parties 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 learned Arbitrator is at liberty to fix his remuneration and other incidental expenses.

7.The petitioner is directed to file claim statement within a period of two weeks from the date of receipt of a copy of this order.

Dr.ANITA SUMANTH,J.

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

19.07.2017

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