

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.07.2017

CORAM

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

O.P. No.928 of 2016

Shayam Sunder Kandala Madhu Sudhan
No.55/19, New Thandavarayan Street,
Old Washermenpet, Chennai 600 021.

.. Petitioner

-vs-

1.M/s.Zeisys Technologies Pvt. Ltd.
rep. by its Managing Director,
Mrs.Niranjani Kishore,
No.12, T.V.Road, Chetpet,
Chennai 600 031.

2.Apoorva Modi,

.. Respondents

Prayer: Petition filed under Section 11(6) of the Arbitration & Conciliation Act, 1996 to appoint an Arbitrator to terminate the mandate of the second respondent and substitute him by appointing a sole arbitrator to adjudicate upon the disputes that have arisen between the petitioner and the first respondent in terms of the Agreement.

For Petitioner : Mr.S.Mohan

For Respondent-1 : Mr.K.Balaji

ORDER

This Original Petition has been filed seeking a termination of the mandate of the second respondent and to appoint a fresh arbitrator to adjudicate upon disputes that have arisen between parties in terms of Clause 37 of the Employment Agreement dated 19.10.2015.

2. Mr.S.Mohan, learned counsel appearing for the petitioner would submit that pursuant to the nomination of one Mr.Anoop Madhavan, CEO of the respondent, proceedings for arbitration were commenced and the first hearing was fixed on 09.10.2016. At the hearing on 09.10.2016, the arbitrator called upon the parties to file statements of claim and defence which have been duly complied with. The date by which proceedings were to be completed was fixed at 30th November as the arbitrator was proceeding to travel thereafter. However, there has been no progress in the matter till date.

3. Learned counsel for the respondent would concur on the aforesaid narration of facts objecting however to the allegation by the petitioner questioning the impartiality of the Arbitrator.

4. Since the disputes between the parties are yet to be resolved and the second respondent is admittedly unavailable to continue the proceedings, I am inclined to accept the plea of the petitioner for appointment of a new Arbitrator.

5. In the aforesaid circumstances and by consent of parties, I appoint Justice Mr.P.P.S.Janarthana Raja, a Former Judge of this Court, residing at Flat-Gb, Ground Floor, Ponmari Towers, Old No.7, New No.13, Montieth Lane, Egmore, CHennai 600 008 (Phone Nos.044-28522535, 9176793240), as the Sole Arbitrator to enter upon reference and after issuing notice to the parties and upon hearing them, endeavour 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.

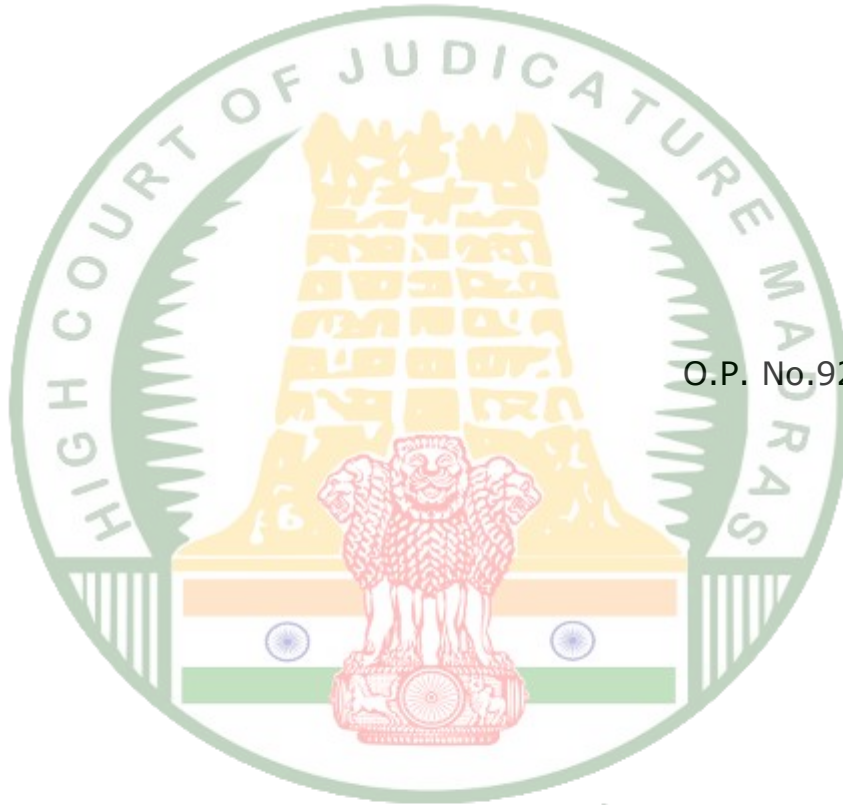
6.The Original Petition is accordingly allowed.

24.07.2017

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Dr.ANITA SUMANTH, J.

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