

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.09.2018

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

OP.No.1023 of 2017

1.G.Sathish Kumar
2.Abip @ Habeep Petitioners

Vs

1.M/s.Shriram Transport Finance Company Limited
Chennai-19

2.V.Paul Das, Sole Arbitrator
Chennai-11 Respondents

Prayer:- This Original Petition is filed, under Section 34 of the Arbitration and Conciliation Act, 1996, seeking to set aside the Arbitration Award, dated 26.03.2016, passed by the Arbitrator, the 2nd Respondent herein, in Arbitration Case No.707 of 2016.

For Petitioners : Mr.A.Velmurugan

For Respondents : Mr.S.Elangovan for
M/s.K.S.Ramakrishnan-R2

Mr.V.Pauldas-R2

ORDER

This Original Petition is filed, under Section 34 of the Arbitration and Conciliation Act, 1996, seeking to set aside the Arbitration Award, dated 26.03.2016, passed by the Arbitrator, the 2nd Respondent herein, in Arbitration Case No.707 of 2016.

2. This Court heard the learned counsel on either side.

3. Both the learned counsel for the 1st Respondent and the Arbitrator
D.KRISHNAKUMAR, J.

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have submitted that the original records pertaining to the impugned arbitral proceedings were misplaced and could not be traced out. Therefore, by consent of both the parties, this Original Petition is disposed of, with the following directions:-

i.The impugned award, dated 26.03.2016, made in Arbitration Case No.707 of 2016 is set aside.

ii.The 1st Respondent shall furnish a copy of the claim petition to the Petitioners within a period of one week from the date of receipt of a copy of this order.

iii.On such receipt of a copy of the claim petition, the Petitioners shall submit their written submissions before the Arbitrator/the 2nd Respondent, within a period of two weeks thereafter.

iv.The Arbitrator/ the 2nd Respondent shall take up the matter once again, consider and pass orders,

afresh, on merits and in accordance with law, within a period of eight weeks thereafter.

v.Both the parties shall cooperate with the Arbitrator for disposal of the arbitral proceedings within the said period.

vi.There will be no order as to costs.

19.09.2018

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Index:Yes/No

Web:Yes/No

Speaking/Non Speaking

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