

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.07.2018

CORAM

THE HONOURABLE Mr.JUSTICE ABDUL QUDDHOSE

O.P.No.881 of 2015

S.Sundararajan

.. Petitioner

Vs

1.Shriram City Union Finance Ltd.,  
Rep. by its Authorised person,  
No.4/289, 1<sup>st</sup> Floor,  
Pycrofts Road,  
Triplicane,  
Chennai - 600 005.

2.N.Ananda Kumar

3.R.Gajendran

4.Krishnan Ganapathy

5.C.M.Seetharaman,  
Sole Arbitrator.

.. Respondents

Original Petition filed under Section 34 of the Arbitration and Conciliation Act, 1996 praying to set aside the award dated 14.03.2015 passed by the sole Arbitrator/5<sup>th</sup> respondent herein, in the arbitration case A.C.P.No.(EF/CMS) 424/2013 arising out of the loan agreement No.NRTFMTR08E81565 dated 31.01.2008.

For Petitioner

: Mrs.C.A.Rakshitha

For Respondent 1

: Mr.Amalaraj S.Penikilapatti

For Respondents 2 to 4

: No appearance

### ORDER

The instant petition has been filed under section 34 of the Arbitration and Conciliation Act, 1996 challenging the Award dated 14.03.2015 passed against the petitioner.

2. The petitioner had availed financial facility from the first respondent under a loan agreement. There arose disputes between the parties and the said dispute was referred to arbitration by the first respondent in accordance with Arbitration Clause and appointed the fifth respondent as the sole arbitrator. The Arbitrator has also acted upon the reference and has passed the Award dated 14.03.2015, directing the petitioner as well as the borrower to pay a sum of Rs.5,84,083/- together with interest and costs.

3. Aggrieved by the Award dated 14.03.2015, the instant petition has been filed.

4. The learned counsel for the petitioner submitted that the primary ground for challenge in the instant petition is that no notice was served on the petitioner in the Arbitral proceedings.

5. Today the learned counsel for the first respondent concedes that the notice was never served on the petitioner in the arbitral proceedings.

6. Recording the said submissions, the arbitral Award dated 14.03.2015 passed against the petitioner will have to be set aside by this Court, insofar as the petitioner alone is concerned. Accordingly, the Original Petition shall stand allowed and Award dated 14.03.2015 is set aside, insofar as the petitioner alone is concerned. In respect of others, the first respondent is permitted to execute the Award. There shall be no order as to costs.

11.07.2018

Index: Yes/No

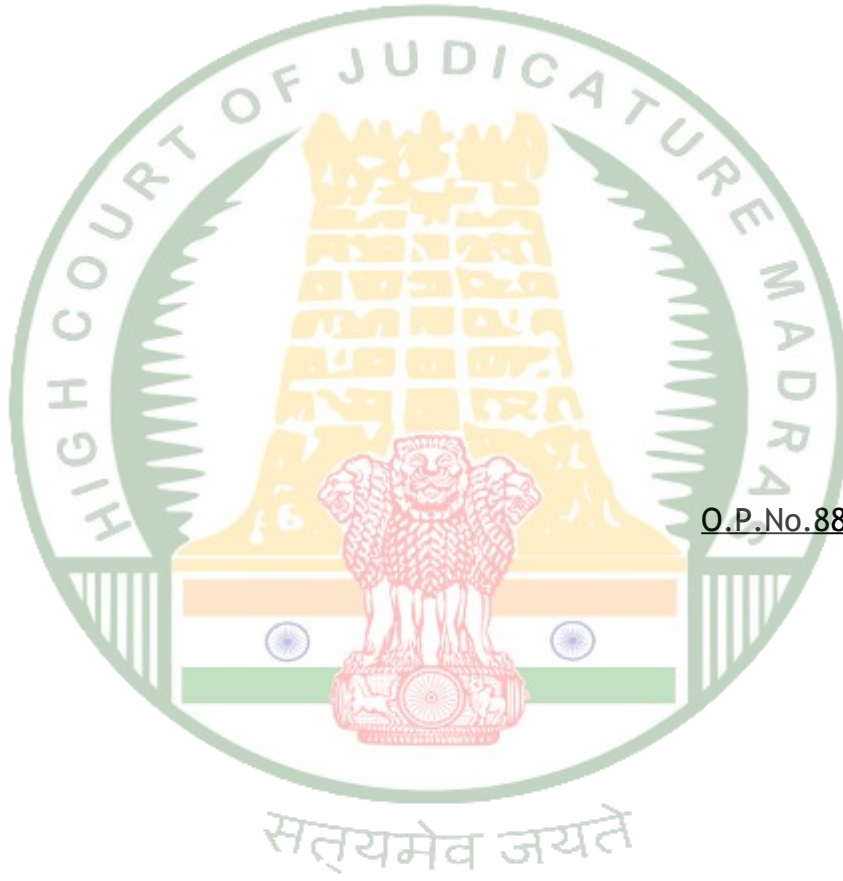
Speaking/Non-speaking orders

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ABDUL QUDDHOSE, J.

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