

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

MONDAY, THE 24TH DAY OF SEPTEMBER 2018

THE HON'BLE MR. JUSTICE C.SARAVANAN

O.P.No.727 of 2018

In the matter of Arbitration
& Conciliation Act, 1996
and

In the matter of Arbitration
Dispute between M/s. Kubota
Agricultural Machinery India
Ltd and M/s. Shree Krishna
Tractors

M/s. Kubota Agricultural Machinery
India Pvt.Ltd
No.15, Medavakkam Road,
Sholinganallur,
Chennai 600 119

...Petitioner

-vs-

M/s. Shree Krishna Tractors,
Represented by its Proprietor
Mr.Dilip Kumar Patel
Main Road Basne
NH 53, Mahmasmund
Raigarh 493 445
Chattisgarh

...Respondent

Original Petition praying that this Hon'ble Court be
pleased to appoint the Arbitral Tribunal in terms of clause
17 of the Letter of Intent dated 31.10.2014.

This original petition coming on this day before this
Court for hearing, the court made the following order:-

This petition has been filed for appointment of Arbitral Tribunal in terms of Clause 17 of the Letter of Intent dated 31/10/2014.

2. Today when the case was taken up for hearing, the respondent has not nominated their Arbitrator in terms of Clause 17 of the Letter of Intent dated 31.10.2014.

3. Clause 17 of the Letter of Intent entered into between the petitioner and the respondent reads as under:

"The Company and the Proposed Dealer agree that they will first attempt to resolve any dispute regarding this LOI through mutual consultation. However, if such consultations do not result in amicable settlement of the dispute within 30 days after one party has given written notice to the other to commence such consultations, then either party may refer the dispute to arbitration. Any dispute, controversy or claim arising out of or relating to this LOI or breach, termination or invalidity thereof, shall be settled by arbitration in accordance with the Arbitration and Conciliation Act, 1996 as at present in force. The Arbitration shall be conducted by an arbitral tribunal consisting of three arbitrators. Each Party shall appoint one arbitrator each and the two arbitrators shall jointly appoint the third presiding arbitrator. The language of arbitration shall be English and the venue of arbitration shall be Chennai. The award of the arbitral tribunal shall be final

and binding on the parties".

4. Notice was ordered on the respondent and the respondent has also entered appearance but he has not mentioned the name of the Arbitrator.

5. By a letter dated 14.09.2018, two arbitrators were nominated by either parties and they have to appoint a third presiding arbitrator.

6. Learned Arbitrators may appoint a presiding Arbitrator within a period of 30 days from the date of receipt of copy of this order and to commence the arbitration proceedings.

Sd/-C.S.N.J

24.09.2018

//Certified to be a true copy//

Dated this the day of 2018
JJ 30/10/18

COURT OFFICER

From 25.09.2008 the Registry is issuing certified copies of the Order/Judgment Decree in this format.