

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

WEDNESDAY, THE 03rd DAY OF OCTOBER 2018

THE HON'BLE MR. JUSTICE C.SARAVANAN

O.P. No.845 of 2017

In the matter of Arbitration and
Conciliation Act, 1996

and

In the matter of dispute between
Novateur Electrical & Digital
Systems Private Limited and
Neoteric Informatique Limited
(Distribution Agreement dated
01.01.2014)

Novateur Electrical & Digital
Systems Private Limited,
10-B, Prestige Center Court,
Office Block, Vijaya Forum Mall,
183, N.S.K.Salai, Vadapalani,
Chennai-600 026,
rep. by its Company Secretary &
Assistant General Manager Legal,
Ms.Ranjeet Kaur

... Petitioner

-Versus-

Neoteric Infomatique Limited,
Unit No.U201, 2nd Floor,
Matulya Centre-A,
249, Senapati Bapat Marg,
Lower Parel (West),
Mumbai-400 013.

... Respondent

Original petition praying that this Hon'ble Court be pleased to refer the dispute between the petitioner and the respondent to arbitration and adjudication by the Madras High Court Arbitration Centre.

This Original Petition coming on this day before this Court for hearing the court made the following order:-

This petition is filed for appointment of an Arbitrator under Section 11(6)(a) of the Arbitration and Conciliation Act, 1996, to refer the dispute between the petitioner and the respondent to arbitration and adjudication by the Madras High Court Arbitration Centre.

2. The learned counsel appearing on behalf of the petitioner submitted that the petitioner and the respondent entered into a Distribution Agreement dated 01.01.2014 wherein the respondent was appointed as a non-exclusive distributor for marketing petitioner's products. Petitioner supplied their products to the respondent vide various invoices dated 23.04.2016 to 25.05.2016.

3. However, the respondent failed to pay a sum of

<https://hcservices.ecourts.gov.in/hcservices/>
RS.1,44,69,840/- to the petitioner.

4. Hence, the petitioner sent a legal notice to the respondent dated 20.03.2017. In the said notice the petitioner invoked the Arbitration Clause. The Arbitration Clause in the Distribution Agreement dated 01.01.2014 reads as follows:

"VIII. Arbitration Clause:

1. All disputes and differences of any kind whatever arising out of or in connection with this agreement shall be referred to the arbitration and final decision of an arbitrator, to be agreed upon and appointed by both parties, or in case of disagreement the provisions of the Indian Arbitration and Conciliation Act shall apply.

2. In case of any dispute regarding this agreement, for filing of any suit, the Courts at City of Chennai, shall have the jurisdiction to deal with the matter. The Distributor also agrees to submit to the jurisdiction of the Courts at City of Chennai."

5. Both the parties consented for appointment of a sole Arbitrator, though the arbitration clause allows appointment of three arbitrators, one by each of the party with the provisions for the Presiding Arbitrator to be appointed by the two arbitrators.

6. Recording the consent of both the parties, the Hon'ble Mr. Justice A. Ramamurthi, (Retd) Madras High Court, Chennai, residing at Plot No.9, (HIG) TNHB, Phase II, Nolambur, Mugappair West, Chennai-37 (Phone No.044-26533838 and Mob.No.9444066306), is appointed as Sole Arbitrator to enter upon reference and adjudicate the disputes inter se the parties. Since the appointment is made with the consent of both the parties, the mandatory requirements of Section 11(8) of the Act is dispensed with.

7. The learned Arbitrator 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.

8. The learned Arbitrator is at liberty to fix his remuneration and other incidental expenses. The proceedings may be conducted under the aegis of the Madras High Court Arbitration Centre and in accordance with the Madras High Court Arbitration Rules.

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

Sd/-C.S.N.J

03/10/2018

//Certified to be a true copy//

Dated this the day of 2018

JJ 27.11.2018

COURT OFFICER

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

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