

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 26.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA

C.M.A. No.3140 of 2019
and CMP No.17714 of 2019

Susee Premium Automobiles Private Limited,
No.3, Dindigul Main Road,
Karumandapam, Trichy.

..Appellant

Vs.

Ford India Private Limited,
Rep. by its Managing Director,
S.P.Koil Post,
Chengalpattu 603 204.

..Respondent

PRAYER: Civil Miscellaneous Appeal filed under Section 37(2) (b) of the Arbitration and Conciliation Act, 1996 against the order dated 08.07.2019 made in Application No.1 of 2019 in A.F.No.130 of 2019 Sole Arbitrator Mr.Justice K.P.Sivasubramaniam (Retd.).

For Appellant : Mr.P.S.Raman
Senior Counsel
for Mr.A.V.Arun
For Respondent : Mr.V.Ramakrishnan
Senior Counsel
for Mr.V.V.Sivakumar

O R D E R

This present Civil Miscellaneous Appeal has been directed against the impugned order dated 08.07.2019 made in Application No.1 of 2019 in A.F.No.130 of 2019 before the sole Arbitrator, Mr.Justice K.P.Sivasubramaniam (Retd.).

2.Mr.P.S.Raman, learned Senior Counsel appearing for the appellant, has inter alia contended that the appellant would be put to huge loss of reputation besides irreparable financial loss, as the appellant has got business spread all over Tamilnadu, if they are not permitted to sell their spare parts kept in the service centre. Secondly, that issue has not been made as part of the issue before the learned Sole Arbitrator. Therefore, even the order impugned herein cannot be found fault with, as the appellant has been facing a grave risk in selling away the aforesaid mentioned spare products. He would further submit that as the appellant has got huge stock of spares worth

about Rs.150 lakhs in Trichy, it could be liquidated, if they are put into use in service centre run by the appellant.

3. Mr.V.Ramakrishnan, learned Senior Counsel appearing for the respondent fairly stated that the Salem Centre is not part of the issue before the sole Arbitrator, therefore, Mr.P.S.Raman learned Senior Counsel for the appellant also conceding to the same, stated that he is not pressing the same.

4.After hearing the parties at length, Mr.V.Ramakrishnan, learned Senior Counsel appearing for the respondent submitted that since the issue raised in the present appeal has not been the subject matter of issue before the learned Arbitrator, the respondent has no objection for the appellant to move an application before the Arbitrator seeking three months or more than that for disposal of spare products for selling away the spare products and to run service centre.

5.As this Court is also able to see the predicament of both parties that this issue was not part of the arbitral issue, this Court finds no impediment to direct the learned Arbitrator to receive the application seeking time to dispose of the spare parts and consider the same on merits, subject to filing of objection by the respondent. Accordingly, this Court hereby directs the learned Sole Arbitrator to receive any such application from the appellant and decide the issue, on merits after receiving objection from the respondent, if any.

With the above observation, the civil miscellaneous appeal stands disposed of. No costs. The connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

Mr.Justice K.P.Sivasubramaniam, Retd., (Sole Arbitrator),
No.46 Pulla Avenue, Shenoy Nagar, Chennai - 600 030.

+1 cc to M/s.A.V.Arun,Advocate Sr.No. 72589

+1 cc to M/s.V.V.Sivakumar,Advocate Sr.No. 72593

AKM/06.12.19/2P-4C /

C.M.A. No.3140 of 2019