

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2019

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

O.P. No. 1000 of 2018

Vipin Agarwal Petitioner

Vs.

1.Cholamandalam Investment and Finance Company Ltd.,
Dare House, No.2, N.S.C.Bose Road, Parrys,
Chennai 600 001.

2.Vistar Metal Industries Pvt. Ltd.,
(Formerly known as Shree Vaishnav Wire & Rod Pvt.Ltd
401/403, Coral Classic C.H.S
Road No.20, Behind ICICI Bank,
Chembur, East,
Mumbai-400 071.

3.Mr.P.Ganesan ... Respondents

Petition filed under Section 34 of the Arbitration and Conciliation Act, 1996 (as amended), to set aside the impugned Arbitral Award purportedly dated 02.04.2018 bearing Case No.CIFCL/ARB/L-XVI/510.

For Petitioner

: Mr.M.S.Krishnan,
Senior Counsel
for M/s.Roshan Balasubramanian

For Respondent

: Mr.S.Namasivayam

ORDER

This petition has been filed by the petitioner challenging the award dated 02.04.2018.

2. Heard Mr.M.S.Krishnan, learned Senior Counsel for the petitioner elaborately. Respondent counsel also fairly submitted that certain errors have crept in the Award and hence the Award is not according to law. Therefore, the entire award can be set aside and fresh Arbitrator can be appointed, leaving open all the issues to be decided afresh by Arbitrator.

3. It is the contention of the respondent that Mr.K.P.Subramaniam, Retired Hon'ble Judge of this Court may be appointed as Arbitrator in this matter.

4. For appointing Former Judge referred above as Arbitrator, the petitioner has no objection.

5. As submitted by the both sides, findings have been recorded based on the notice dated 04.10.2017 prior to reference to Arbitration by Hon'ble Bombay High Court.

6. Be that as it may, in view of the submission of both sides, the entire award is set aside and Mr.K.P.Subramaniam, Former Judge of this Court is appointed as sole Arbitrator to decide the issues between the parties. It is left open to the parties to raise all issues before the Arbitrator. The fees of the learned Arbitrator shall be paid as per the rules of the The Madras High Court Arbitration Centre (MHCAC) (Administrative Cost and Arbitrators' Fees) Rules, 2014.

7. With the above observations, the Original Petitions are disposed of. No costs.

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Note: Issue order copy on 23.07.2019.

Index : Yes/ No

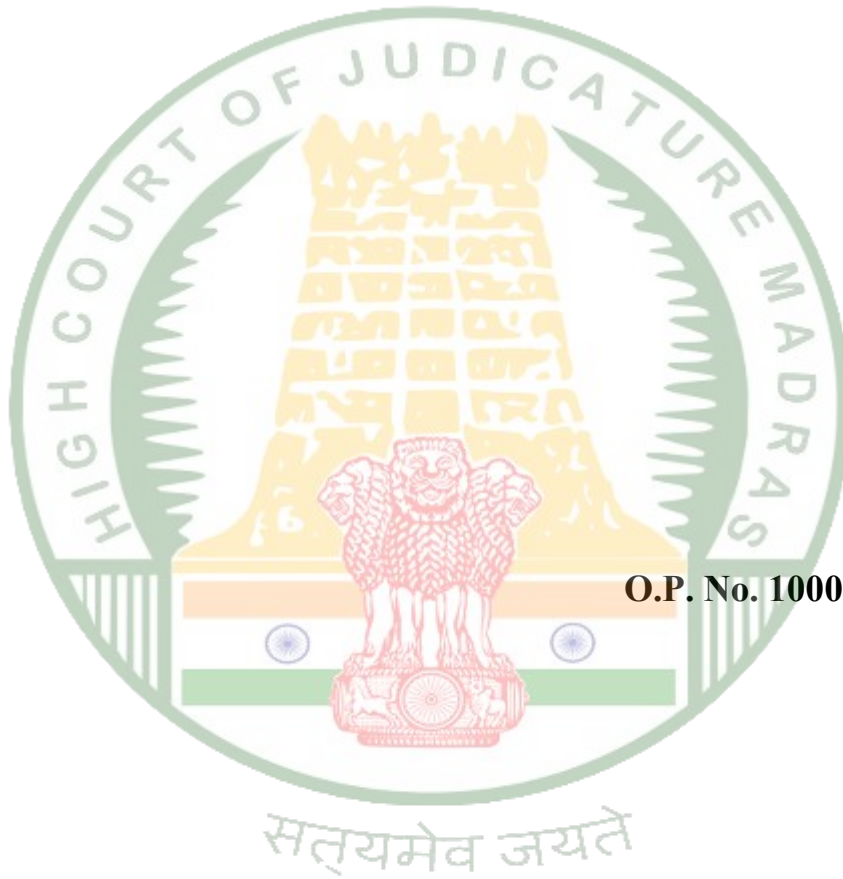
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Mr.K.P.Subramaniam,
Retired Hon'ble Judge.

N.SATHISH KUMAR, J.

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