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IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

TUESDAY, THE 22nd DAY OF JANUARY 2019

THE HON'BLE MR. JUSTICE M.GOVINDARAJ

O.P. No.1070 of 2018

In the matter of Arbitration  
and Conciliation Act, 1996

and

In the matter of Dealer Sales  
and Service Agreement dated  
29.05.2013 between Ashok  
Leyland Ltd., and Sun Motors

M/s.Sun Motors,  
rep. by its Managing Partner,  
Mr.Rakesh Ramesh Mirje,  
having office at Gat No.144,  
Halondi, Tal-Hatkanangle,  
Kolhapur-416 103 and  
head office at C.S. No.1475/76,  
C/o.Auto India Madhavnagar Road,  
Sangli-416 416.

... Petitioner

-Versus-

M/s.Ashok Leyland Ltd.,  
No.1, Sardar Patel Road,  
Guindy, Chennai-600 032.  
rep. by Mr.Nitin Seth,  
President-LCV

... Respondent

Original petition praying that this Hon'ble Court be  
pleased to pass an order to:-

a) appoint an independent and sole Arbitrator to  
adjudicate upon the disputes and claims that have arisen  
between the parties hereto under the Dealer Sales and  
Service Agreement dated 29.05.2013, pursuant to the letter  
of the petitioner dated 16.07.2018.

b) direct the respondent to pay the cost of this  
petition.

This Original Petition coming on this day before this

<https://hcservices.ecourts.gov.in/hcservices/>

Court for hearing in the presence of Mr.J.Ravikumar,  
advocate for the petitioner herein and Mr.V.Kuberan for



M/s.Rank Associates, advocates for the respondent herein and upon reading the petition filed herein and the order herein dated 04.12.2018, it is ordered as follows:-

That the Hon'ble Mr. Justice E.Padmanabhan, Judge (Retd.), High Court, Madras, residing at No.11, Madha Church Road, Mandavelipakkam, Chennai-600 028 (Mob.: 9677241111) be and is hereby appointed as the Sole Arbitrator to enter upon reference and adjudicate the disputes inter se the parties.

2. That the learned Arbitrator appointed herein, shall 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 copy of this order.

3. That the learned Arbitrator appointed herein, shall be at liberty to fix his remuneration and other incidental expenses.

4. That the Proceedings shall be conducted under the aegis of the Madras High Court Arbitration Centre and in accordance with the Madras High Court Arbitration Rules.

5. That both parties hereto shall bear their own costs.

WITNESS THE HON'BLE SHRIMATI.VIJAYA KAMLESH TAHILRAMANI, THE CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE 22nd DAY OF JANUARY 2019.

Sd./-

ASSISTANT REGISTRAR (O.S.II)

//Certified to be true copy//

Dated at Madras this the        day of        2019.

COURT OFFICER(O.S.)

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O.P. No.1070 of 2018

ORDER

DATED: 22.01.2019

THE HON'BLE MR. JUSTICE  
M.GOVINDARAJ

FOR APPROVAL:01/03/2019

APPROVED ON :04/03/2019

Copy to:

1. The Hon'ble Mr. Justice  
E.Padmanabhan,  
Judge (Retd.),  
High Court, Madras,  
Sole Arbitrator,  
residing at No.11,  
Madha Church Road,  
Mandavelipakkam,  
Chennai-600 028.  
  
(Mobile No.: 9677241111)
- 2.The Additional Registrar-  
Vigilance  
Madras High Court Arbitration  
Centre  
Madras High Court Campus,  
Chennai