

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.07.2020

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

O.P. No.215 of 2020 and
A.No.957 of 2020

Flywheel Logistics Solutions Pvt Ltd.
Rep. by its Authorized representative
F-215/E-1, Old M.B.Road,
Lado Sarai, New Delhi - 110030 ... Petitioner

Vs.

1. Hinduja Leyland Finance Ltd.,
Represented by its Authorized Representative,
having its registered office at
No.1, Sardar patel Road,
Guindy, Chennai 600 032.
2. Mr.S.Samuel (Sole Arbitrator),
Office at No.7/2, Kondichetty Street,
1st Floor, Room No.116, Parrys,
Chennai 600 001.
3. Meenakshi Syal,
d/o Shri Amar Singh,
No.117, First Floor, Uday Park,
New Delhi 110049 ... Respondents

Prayer: Petition filed under Section 14(2) of the Arbitration and Conciliation Act, 1996 to terminate the mandate of the arbitrator assumed under notice of reference dated 14.11.2019 and substitute an independent arbitrator to adjudicate upon the disputes between the petitioner and the respondent arising out of the Arbitration Agreement bearing No.DHDLSG00542 dated 30.09.2017.

For Petitioner : Mr.K.V. Karthik Subramanian
for M/s.Abhishek Jebaraj
For Respondents : Mr.V.Balasubramani

ORDER

When the matter is taken up today, the learned counsel appearing for the first respondent company has fairly submitted that as the Court had pointed out various infirmities in the arbitral award passed by the arbitrator, they have no objection for appointing fresh arbitrator in this matter and has suggested a practising advocate Mr.Sampath to enter upon the reference.

2. The learned counsel for the petitioner has no objection for going for fresh arbitrator, viz., Mr.M.S.Sampath.

3. In view of the fact that despite the interim Order passed by this Court, award has been hurriedly passed, without any appropriate proceedings and that itself clearly indicate that the award is a result of bias. In such view of the matter as the award has been passed during the pendency of the proceedings challenging the proceedings itself, the award is set aside. As agreed by both sides, Mr.M.S.Sampath, Advocate, residing at No.33, Baskaran Street, Kodambakkam, Chennai 600 024, Mobile No.9841159996, is appointed as an arbitrator to enter upon the reference. The learned arbitrator shall disclose disclosure statement as mandated under law and conduct the proceedings after giving opportunity to both sides and complete the proceedings, within a period of six months from the date of receipt of copy of this order. The learned Arbitrator is at liberty to fix the remuneration and other incidental expenses, which shall be borne by the respondent.

4. Accordingly, the Original Petition is disposed of and the connected application is closed.

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Index : Yes / No

Internet : Yes

Speaking Order/Non-Speaking Order.

N. SATHISH KUMAR,J

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