

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 21.07.2020

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

O.P.No.120 of 2020

Express Global Logistics Private Limited,
17, Western India House, 2nd Floor,
Sir P.M.Road, Fort, Mumbai 400 017
Rep. By its authorised signatory
Mr.Sidharth Menon ... Petitioner

Vs.

Glovis India Pvt. Ltd.
F98, 8th Main Road,
Sipcot Industrial Park,
Irrungattukottai,
Kanchipuram District 602 117. Respondent

Prayer: Petition filed under Sections 11(4) of the Arbitration and Conciliation Act, 1996 to appoint a sole arbitrator pursuant to the agreement for Inland Transportation dated 24.10.2017 entered into by the petitioner and the respondent , in accordance with the provisions of the Arbitration and Conciliation Act, 1996 to adjudicate upon the disputes/differences between the petitioner and the respondent.

For Petitioner : M/s Ashwini Vaidialingam

For Respondent: Mr.M.L.Joseph
for M/s Chennai Law Associates

ORDER

Despite the petitioner wrote several letters to the respondent company, they have not settled the matter and hence as per Clause 14 of the Arbitration Agreement, the petitioner seeks appointment of Arbitrator.

2. The main contention of the respondent is that they have also wrote a letter to the petitioner for weighing the claim and therefore, this application is premature at this stage.

3. The contract entered into between the petitioner and the respondent, vide agreement dated 24.10.2017 is not disputed by them. Hence, it is clear that if any dispute is arising among the parties, out of the agreement, it shall be resolved before the Arbitrator, as per Clause 14 of that Agreement. There are four invoices raised in the transaction. The contention of the petitioner is that the claim is only in respect of one invoice. Such being the position, since the contract governs the parties to resolve the dispute/differences amicably before the Arbitrator, I am inclined to appoint

an Arbitrator to enter upon the reference and conduct arbitration proceedings in accordance with the provisions of the Arbitration and Conciliation Act.

4. Accordingly, it is ordered as follows:

i) That Mr.J.Krishnamoorthy, District Judge (Retd.) Second Netch Krishma, First floor, No.37, Soundararajan Street, T.Nagar, Chennai 600 017, Mobile No.9442092363, be and is hereby appointed as the Sole Arbitrator to enter upon reference and adjudicate the disputes inter se the parties.

ii) 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 the order.

iii) That the learned Arbitrator appointed herein shall be at liberty to fix his remuneration and other incidental expenses, which shall be borne by the parties equally.

iv) That the Arbitration 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. This Original Petition is ordered accordingly, leaving the parties to bear their own costs.

21.07.2020

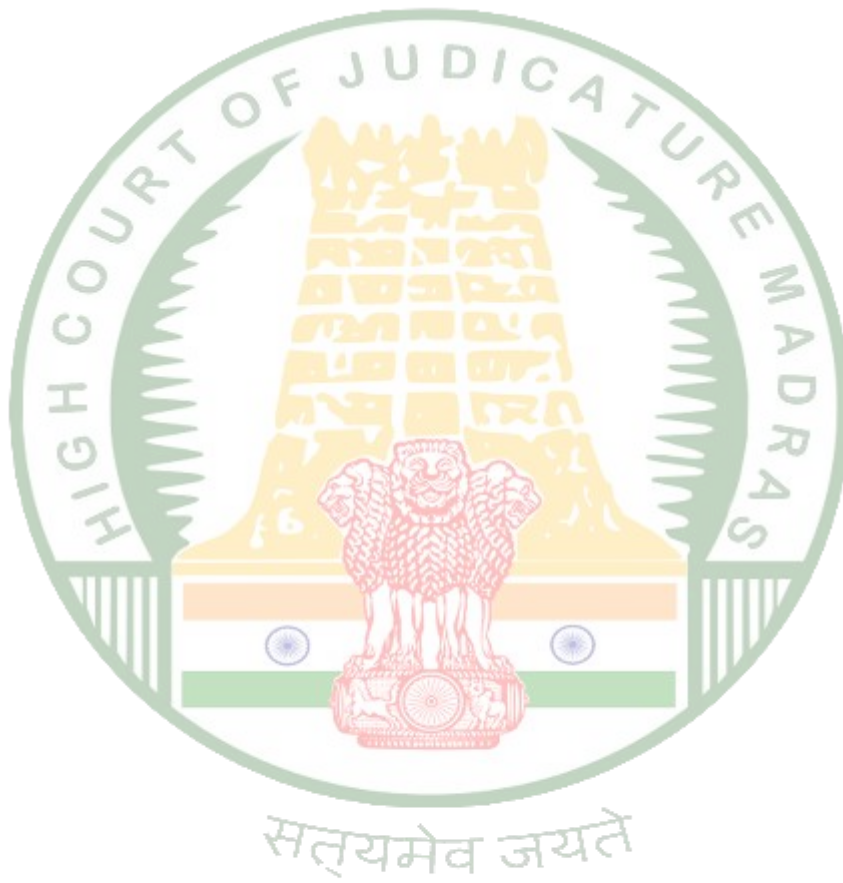
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Copy to

Mr.J.Krishnamoorthy,
Second Netch Krishma,
First floor, No.37, Soundararajan Street,
T.Nagar, Chennai 600 017.
Mobile No.9442092363



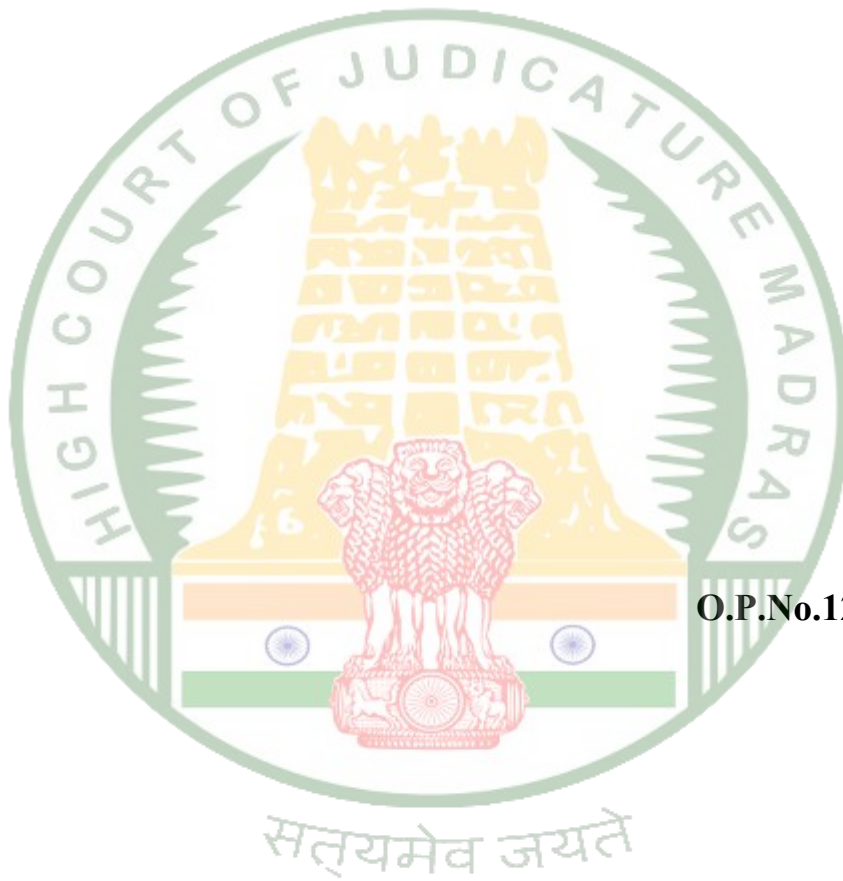
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N.SATHISH KUMAR, J.

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