

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.07.2020

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

Original Petition Nos.326 & 332 of 2020

O.P.No.326 of 2020

M/s.Ursa Major Holdings Pvt. Ltd.,
Rep. by its Director Prafulchand Chordia,
No.10/2, Kasturba Road, 2nd Floor,
Bengalure - 560 001.

... Petitioner

versus

1. Shantala Thimmaiah,
Designated Partner,
Old Mercara Foods LLP,
Sreyas Mrs.Shantala Thimmaiah,
71, Sreyas Yashas 3'd Floor,
2nd Street, Luz Church Road, Mylapore,
Chennai - 600 004.

2. Satyajit Medappa, Parner,
Old Mercara Foods LLP,
Sreyas Mrs.Shantala Thimmaiah,
71, Sreyas Yashas 3'd Floor,
2nd Street, Luz Church Road, Mylapore,
Chennai - 600 004.

... Respondents

O.P.No.332 of 2020

1. Mr.Satyajit Medappa
No.71, Sreyas Yashas 3'd Floor,
2nd Street, Luz Church Road, Mylapore,
Chennai - 600 004.

1. Shantala Thimmaiah,
71, Sreyas Yashas Apartments,
2nd Street, Luz Church Road, Mylapore,
Chennai - 600 004.

... Petitioners

versus

1. Old Mercara Foods LLP,
Door No.621, Anna Salai,
Modern School Road, Thousand Lights,
Chennai – 600 006.

2. M/s.Ursa Major Holdings Pvt. Ltd.,
Rep. by its Director Prafulchand Chordia,
No.10/2, Kasturba Road, 2nd Floor,
Bengalure - 560 001.

... Respondents

PRAYER: Original Petitions have been filed under Section 11 (6) of Arbitration and Conciliation Act, 1996 to appoint an arbitrator.

For Petitioner in
O.P.No.332 of 2020
and respondents
in O.P.No.326 of 2020

: Mr.K.V.Kartik Subramanian

For Respondents in
O.P.No.332 of 2020 &
petitioners in 326 of 2020

: Mr.P.V.Balasubramanian

ORDER

These Petitions have been filed seeking appointment of Sole Arbitrator to resolve the dispute that has arisen between the petitioners and the respondents.

2. Heard the learned counsel for the petitioners and the respondents through video conferencing.

3. The first respondent in O.P.No.332 of 2020 is not a party in the agreement executed between the parties. It is the contention of the learned counsel for the respondents that the first respondent is made a party since the parties are using Old Mercara Foods LLP and hence, the first respondent is made a party in the petition. The second respondent in O.P.No.332 of 2020 has filed the Original Petition in O.P.No.326 of 2020 for appointment of an arbitrator. Though the parties have filed two separate petitions for appointment of an arbitrator, the dispute between the parties seems to be one and the same. Further, a perusal of the agreement

executed between the parties, makes it clear that the parties are subject to arbitration and the agreement is binding on the parties to refer the dispute.

6. In such view of the matter and having regard to the Agreement dated 05.11.2018 entered into between the parties, it is ordered as follows :

i) Honourable Mr. Justice G.M.AKBAR ALI Judge (Retired) High Court, No.6, 9th Cross Street, Senthil Nagar, Kolathur, Chennai – 99 Contact No.9445025151 is appointed as the Arbitrator to enter upon reference and adjudicate the disputes *inter se* the parties.

ii) The learned Arbitrator may, 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) The learned Arbitrator is at liberty to fix his remuneration and other incidental expenses and the same shall be equally borne by the parties.

iv) The proceedings may be conducted under the aegis of the Madras High Court Arbitration Centre and in

accordance with the Madras High Court Arbitration Rules or
any other convenient place.

7. The Original Petitions are, accordingly, disposed of, leaving the
parties to bear their own costs.

30.07.2020

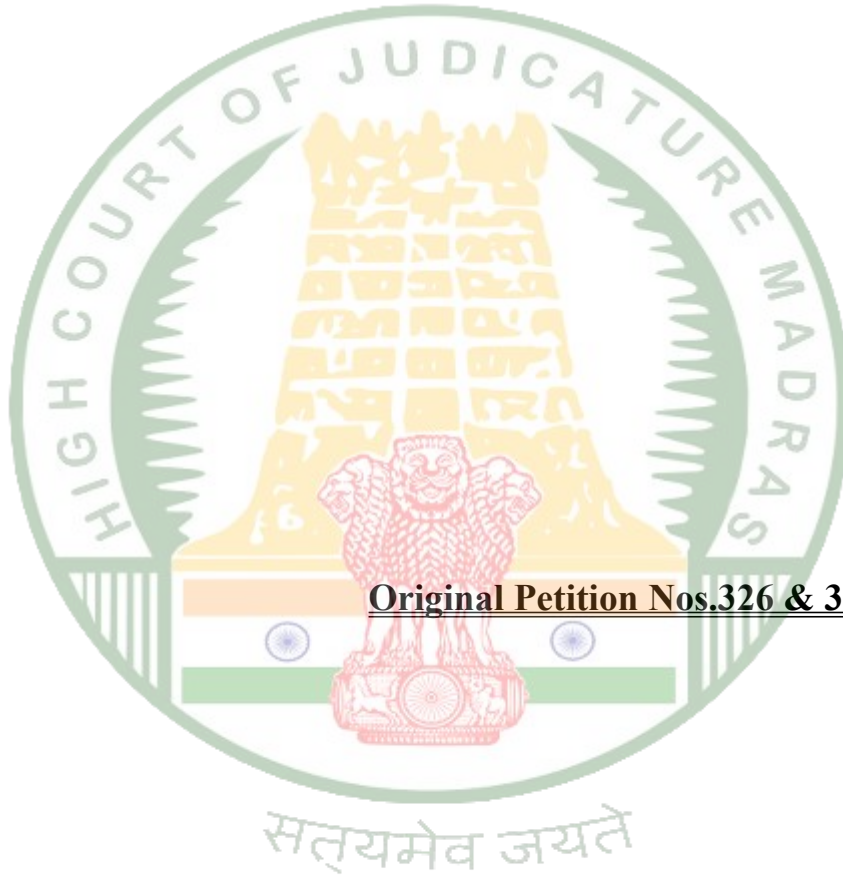
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N.SATHISH KUMAR, J.

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