

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 27.08.2020

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISHKUMAR

O.P.No.340 of 2020

M/s Nissan Renault Financial Services India Private Ltd.,
rep.by its authorised signatory P.Kasiviswanathan
having its registered office at ASV Ramana Towers,
5th floor, No.52, Venkatnarayana Road, T.Nagar,
Chennai 600 017. Petitioner

Vs.

1. M/s Ritu Automobiles Private Ltd.
Rep by its Director Ritika Manojlalwani,
No.1, Mainas Tower, Powai Chowk,
Near Lions Club (SDO Office), Uthasnagar,
Maharashtra 421 003.
2. Manojjiwatramlalwani,
Flat No.802, Tower 1, B Wing,
Vikas Paradise, Junction of Bhakti Marg,
LBS Marg, Mulund, Mumbai 400 080.
3. Ritika Manojlalwani,
Flat No.802, Tower 1, B Wing,
Vikas Paradise, Junction of Bhakti Marg,
LBS Marg, Mulund, Mumbai 400 080. ... Respondents

Prayer : Petition filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 to appoint a sole Arbitrator as provided under clause 29 of the Facility Agreement dated 11.11.2017 to adjudicate upon the differences and disputes between the parties under the said agreement dated 11.11.2017.

For Petitioner : Mr.K.Govindarajan

For Respondents : No appearance

Order

This petition has been filed for appointment of a sole Arbitrator to enter upon the dispute between the parties, as per clause 29 of the Facility Agreement dated 11.11.2017.

2. It is the contention of the learned counsel appearing for the applicant that a sum of Rs.1,70,00,000/- is due to be paid by the respondents and the clause 29 of the Facility Agreement provides for appointment of an Arbitrator, in the event of any dispute arisen between the parties. Hence, he prayed for appointment of a sole arbitrator.

3. The first respondent is a company and the second and third respondents are representing for the first respondent company. Notice was served on the second and third respondents. Despite the name of the respondents is printed in the cause list, none appeared for them.

4. As per the facility agreement, the parties are agreed to refer the matter before the Arbitrator, in the event of any dispute arises between them. The learned counsel appearing for the applicant has suggested Hon'ble Mr.Justice Akbar Ali (retired Judge), Madras High Court to enter upon the reference.

5. Accordingly, it is ordered as follows:

i) That Hon'ble Mr.Justice G.M.Akbar Ali (Retired Judge), No.6, 9th Cross Street, Senthil Nagar, Kolathur, Chennai-99, Contact No.9445025151, be and is hereby appointed as 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.

N. SATHISHKUMAR, J.

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6. The Original Petition is ordered accordingly, leaving the parties to bear their own costs.

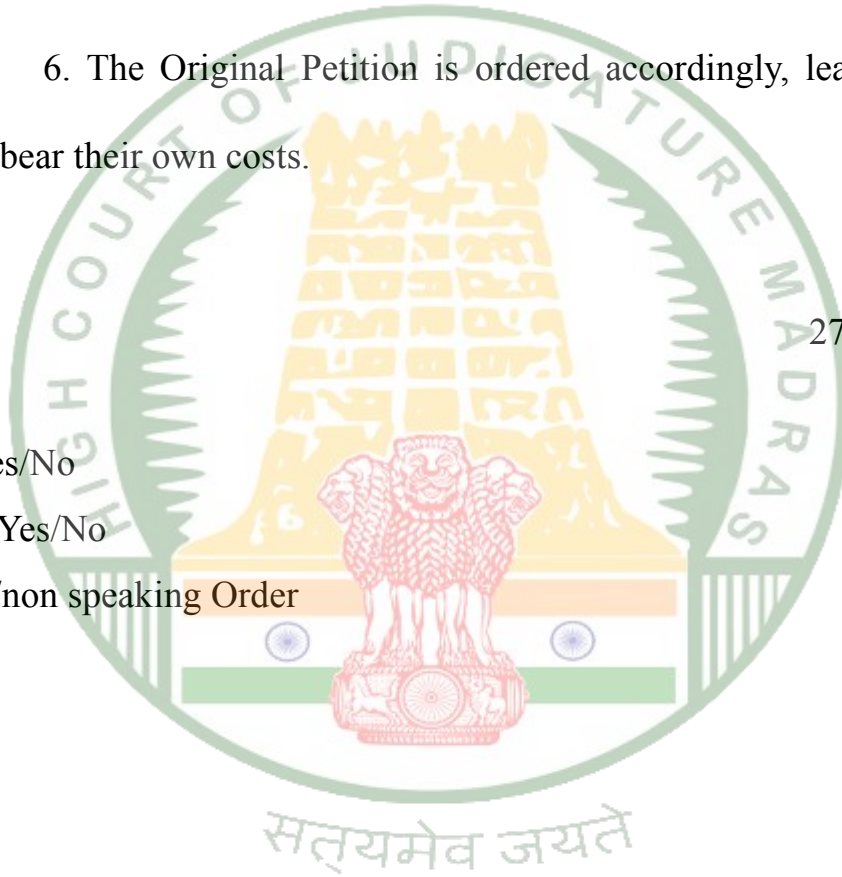
27.08.2020

Index: Yes/No

Internet: Yes/No

Speaking/non speaking Order

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