

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2020

CORAM :

THE HONOURABLE MR.JUSTICE P.T.ASHA

Original Petition No.432 of 2020

M/s.Eagle Speed Service Private Limited,
Represented by its Director,
Mr.Sunil Arya aged 57,
25, Niagara Apartments,
Mo.1, Sterling Road, Nungambakkam,
Chennai - 600 034.

Petitioner

versus

M/s.Kone Elevator India Private Limited,
Shymala Towers, 5th Floor, East west,
136, Arcot Road, Saligramam,
Chennai - 600 093.

Respondent

Prayer: Original Petition filed under Section 11(6) of the Arbitration and Conciliation Act, 1996, to appoint a sole arbitrator as per clause 19 of the agreement to resolve the dispute arising out of the agreement dated 23.01.2018.

For Petitioner

: Mr.M.Aravind Subramaniam

For Respondent

: M/s. B.Dhanaraj

ORDER

The above petition has been filed for appointing a sole Arbitrator in keeping with clause (9) of the agreement dated 23.01.2019, which provided for the resolution of disputes between the petitioner and the respondent by reference to an arbitration consisting of a sole Arbitrator.

2. The learned counsel for the petitioner would submit that though the clause gave the authority to the respondent to appoint the Arbitrator they had not done so, thereby constraining the petitioner to move this petition.

3. The respondent had entered appearance and would submit that the response to the request for appointing an Arbitrator was sent on 14.08.2020 to which the respondent has sent their reply on 11.11.2020. However, the petitioner has moved the Court in the meanwhile. After hearing the arguments, this Court had suggested the name of **Mr.M.Sampath, 42, 3rd Cross Street, Chennai - 94, Cell No.98411 59996**, which was consented by both parties.

4. Accordingly, it is ordered as follows:

i) Mr.M.Sampath, 42, 3rd Cross Street, Chennai - 94, Cell No.98411 59996, 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. It is open to the respondent to raise all legal objections as to the validity of contract.

iii) The learned Arbitrator is at liberty to fix his remuneration and other incidental expenses as per law.

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.

P.T.ASHA, J.

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5. The Original Petition is allowed, leaving the parties to bear their own costs.

02.12.2020

Speaking Order / Non-speaking Order

Index : Yes / No

Internet : Yes

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To
Mr.M.Sampath,
42, 3rd Cross Street,
Chennai - 94.
Cell No.98411 59996.



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