

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2020

C O R A M

THE HONOURABLE Ms.JUSTICE P.T.ASHA

**O.P.No.975 of 2019**  
**and**  
**A.Nos.9135 and 9136 of 2019**

Venkata Srinivasa Prasad Moturi,  
S/O.Poornachandra Rao,  
16, Parthasarathypuram,  
T. Nagar,  
Chennai – 600 017,  
rep. by his Power Agent  
Mr.G.V.H. Prasad vide  
General Power of Attorney  
dated 10.08.2016 and  
registered as Doc.No.394/iv/2016  
in the SRO Banjara Hills ...Petitioner/Respondent

V.

Jitesh Kumar ...Respondent/Claimant

**Prayer:** Original Petition filed under Section 34(iii) of the Arbitration and Conciliation Act, 1996 praying to set aside the Award dated 07.08.2014 passed by the sole Arbitrator in ARB/JK/M/01 of 2014.

For petitioner : Mr.D. Nellaiappan

For Respondent : Mr.R. Palaniandavan

**ORDER**

The challenge to the arbitral proceedings is on the ground that the respondent has not been served and without completing the service the learned has directly ordered service by Substituted Service by effecting publication in one issue of a Tamil daily Maalaimalar dated 09.05.2014. Even according to the Award only one notice dated 08.04.2014 has been sent. The Award does not reflect the date on which notice has been served and to which of the respondent notice has been served.

2.In view of the above, the Arbitral Award deserves to be set aside on the ground that no proper notice has been issued to the respondent as contemplated under Section 24(2) of the Act and is therefore a ground for challenge as provided under Section 34(2)(a)(iii) of the Act.

3.The learned counsel for the respondent fairly conceded that it is only one notice that was sent to the petitioner. He has no objection to this Award being set aside and fresh arbitration proceedings be initiated between the parties.

4.Today, when the matter was called, the learned counsels would submit that they have agreed to the appointment of Mr.S.L.Sudarsanan, Advocate, (Enrol.No.Ms.418/1996) as an Arbitrator to arbitrate the dispute between the parties.

5.In the result, the Award dated 07.08.2014 in Arbitral Case No.ARB/JK/M/01 of 2014 is set aside and the parties are referred to fresh arbitration before the sole Arbitrator Mr.S.L. Sudarsanan, Advocate, (Enrol.No.Ms.418/1996), No.15, Law Chambers, Madras High Court, Chennai - 600 104, Phone: 9840742251, Residence:No.16, Agasthiya Nagar, Chennai, Office: Halls Road, Kilpauk, Chennai - 600 010.

6.The Arbitrator shall endeavour to conclude the arbitral proceedings within a period of four months from the date of receipt of a copy of this order. The Arbitrator shall serve the respective parties and the counsels simultaneously. The service on either the party or the counsel will be deemed to the service on the other.

Accordingly, this Original Petition is allowed. The original records relating to the earlier arbitral proceedings shall be handed over to the newly appointed Arbitrator. No costs. Consequently, connected applications are closed.

**20.01.2020**

Internet : Yes/No  
Index :Yes/No  
Speaking / Non-Speaking  
mps

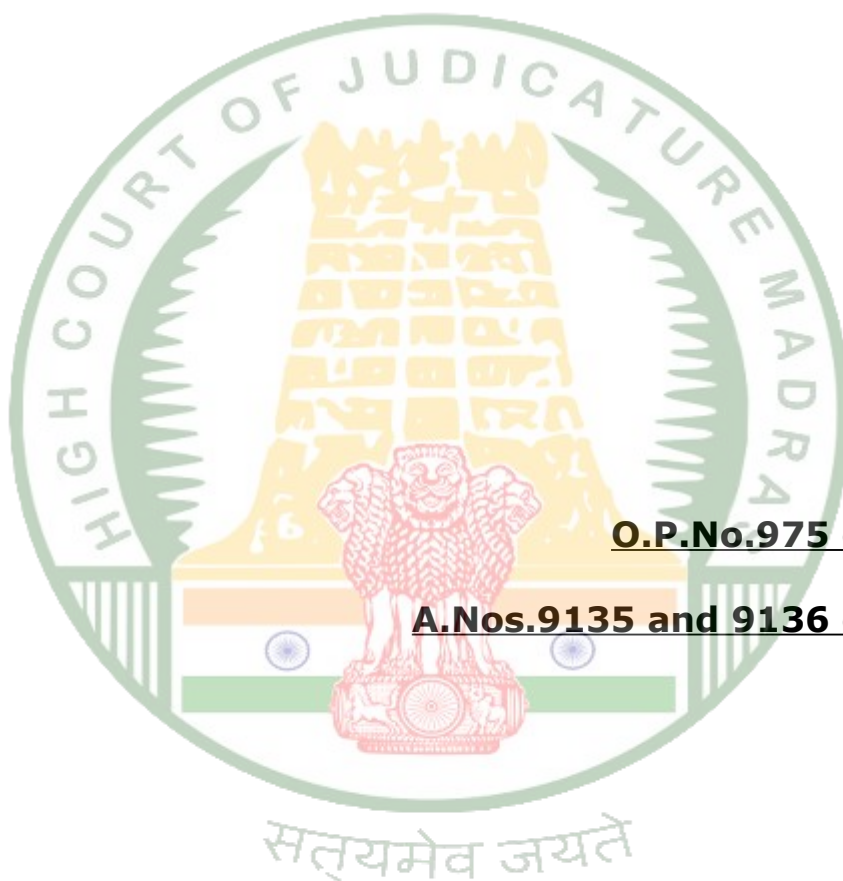
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O.P.No.975 of 2019

**P.T. ASHA. J,**

mps



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