

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.02.2020

C O R A M

THE HONOURABLE Ms.JUSTICE P.T.ASHA

O.P.Nos.764 and 772 of 2019

C.Sumathi .. Petitioner in both O.Ps

-Vs.-

M/s.Shriram City Union Finance Ltd
Represented by its Authorised Representative,
Having their Office at SKT Towers,
1st Floor, No.3A/2,
M.B.T.Towers, Navalpur,
Ranipet - 632 404 ...Respondent in both O.Ps.

Original Petitions filed under Section 34 of the Arbitration and Conciliation Act, 1996 praying to set side the award dated 09.05.2017 and 09.05.2017 passed in A.C.P.No.(EF/CAR/85/2016) and A.C.P.No.(EF/CAR/84/2016) respectively.

For petitioner ... Mr.Sharath Chandran
in both O.Ps

For Respondent ... Mr.K.V.Ananthakrishnan
in both O.Ps

COMMON ORDER

The respondent before the arbitral Tribunal, who is the petitioner herein, has filed the above petitions challenging the two awards dated 09.05.2017.

2. This Court is not traversing into the merits of the case, since the preliminary objection has been taken by the respondent with reference to the award that was passed, namely, that the award has been passed beyond the period of one year. The award though dated 09.05.2017, has been printed out on a stamp paper dated 18.09.2017, which is nearly 4 months after the date of the award.

3. In both the petitions before this Court the date on which the claim statements have been filed was 03.06.2016. Therefore, in view of Section 29(A)(i) of the Arbitration and Conciliation Act, the proceedings should have been completed within a period of 12 months thereafter (i.e) on or before 03.06.2017. If the date of the stamp paper is taken into account, then the award is beyond the period of one year. The petitioner/respondent would submit that the learned Arbitrator has clearly misconducted himself in pre-dating the award. This Court does not propose to go into the correctness or otherwise of the award. However, considering the fact that a doubt has been raised with reference to the actual date on which the award has been passed and with the consent of both the parties, the awards dated 09.05.2017 and 09.05.2017 are set aside and accordingly, these Original Petitions

are allowed. The parties are directed to commence the arbitral proceedings once again before Mr.N.Santosh Nagarajan, Advocate, Firms Tranquility Flat 3D, 11th Street, Ram Nagar, North Extn, Madipakkam, Chennai 600 091, who is agreed to be nominated as sole Arbitrator for both the arbitral proceedings. Both the parties submit that the claim statement and the counter had already been on file. Therefore, the Arbitrator shall commence the proceedings from the stage of recording evidence. The Arbitrator shall, within a period of two months from the date of entering his reference, conclude the arbitral proceedings and pass an award therein. The Arbitrator shall enter into a reference within a period of one week from the date of receipt of a copy of this order, by issuing notice to the respective parties.

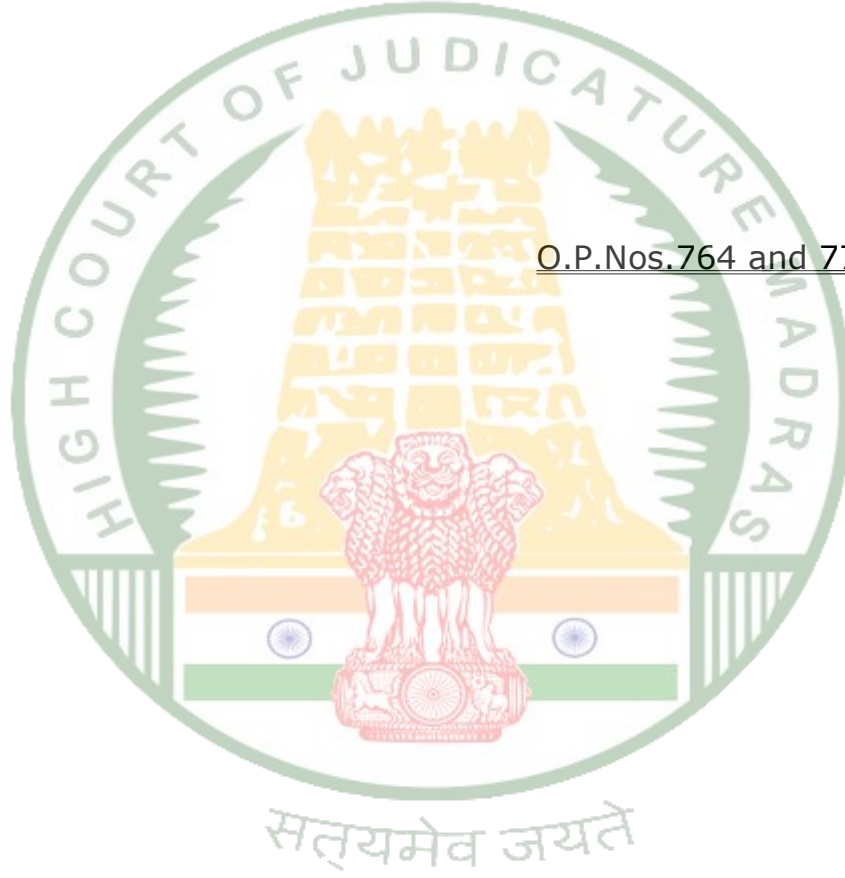
4. With the above directions, the Original Petitions are allowed and the awards dated 09.05.2017 are set aside. The learned Arbitrator now appointed shall proceed with the arbitration proceedings as directed above. No costs.

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P.T.ASHA.J

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