

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.08.2021

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

Arb. O.P. (Com. Div.) No.78 of 2021

B.L.Kashyap & Sons Ltd.,
having registered office at
No.409, 4th Floor, DLF Tower,
New Delhi – 110 025

Also having its branch office at
4th Floor, West Wing,
Soul Space Paradigm,
Near Innovative Multiplex,
Outer Ring Road, Marathahalli,
Bangalore-560 037.

... Petitioner

Vs.

M/s. Akshaya Private Limited,
G-square, 4th Floor,
No.46, Rajiv Gandhi Salai,
Kandanchavadi, Chennai-600 096.

... Respondent

PRAYER : Original Petition filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 and as amended in Arbitration and Conciliation

(Amendment) Act, 2015, to appoint a Sole Arbitrator on behalf of the parties in accordance with Clause 58.1 of the Contract dated 15.03.2013, Clause 58.1 of the revised Contract dated 30.03.2018, Clause 57.1 of Contract dated 07.04.2018 and Clause 57.1 of the Contract dated 25.03.2019 entered between the petitioner and the respondent.

For Petitioner : Mr.S.R. Raghunathan for
M/s. Ramasubramaniam Raja
For Respondent : Mr.Mani Sundar Gopal

ORDER

(This case has been heard through video conference)

This Original Petition has been filed seeking appointment of Sole Arbitrator to resolve the dispute that has arisen between the petitioner and the respondent.

2. Heard the learned counsel appearing for the petitioner and the respondent through video conferencing.

3. The learned counsel appearing for petitioner would submit that totally, there are three contracts entered into between parties dated 15.03.2013, 07.04.2018 and 25.03.2019 and subsequently, there was a revised contract entered into between the parties dated 30.03.2018. It appears that all the contracts are relating to same project, and on perusal of the contracts executed between the parties, makes it clear that if the dispute arise between the parties, the parties are subject to arbitration and the agreement is binding on the parties to refer the dispute. Hence, the present Original Petition has been filed for appointment of Sole Arbitrator.

4. The learned counsel appearing for respondent has no objection for appointment of Sole Arbitrator to resolve the dispute arisen between the parties.

5. In such view of the matter, as both sides have no objection for referring the matter for arbitration and taking note of the nature of contract and the dispute arose between the parties, it is ordered as follows :-

i) Honourable Mr. Justice K.RAVICHANDRA BABU,
Judge (Retired) High Court, Madras, residing at ID Crescent
Castle, 13/6, II Crescent Park Road, Gandhi Nagar, Adyar,
Chennai-600 020, Contact Nos.94980 33336 and 94440 11433
is appointed as the 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 Sole Arbitrator appointed herein shall
be paid fees and other incidental charges, fixed by him and the
same shall be borne by the parties equally.

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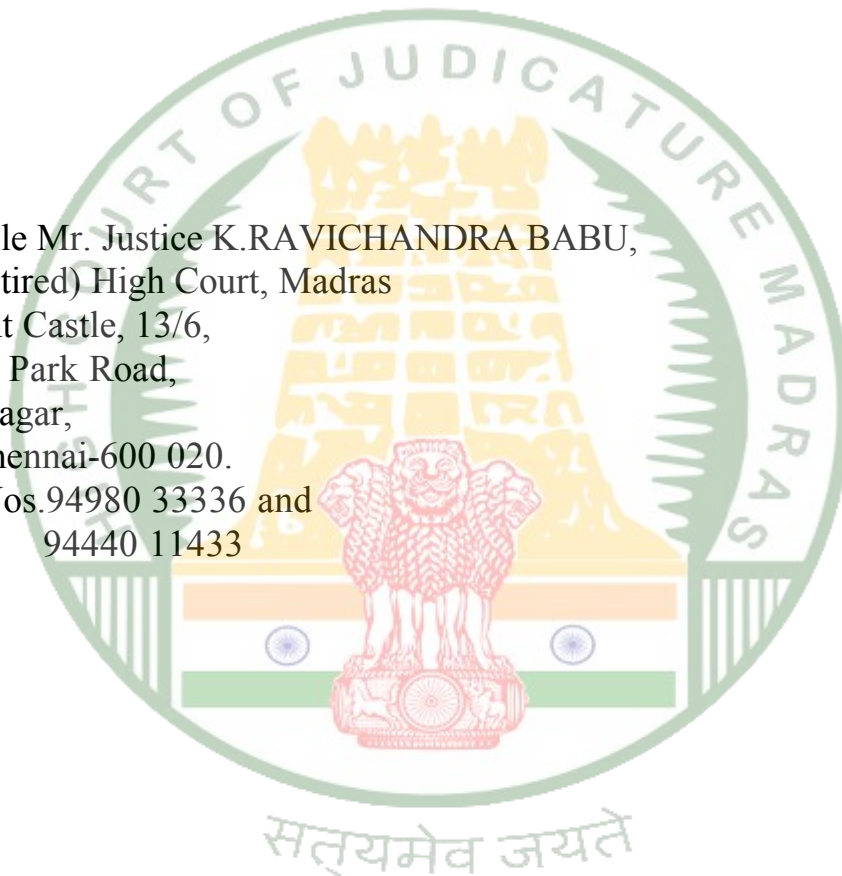
6. This Original Petition is ordered accordingly, leaving the parties to bear their own costs.

12.08.2021

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To

Honourable Mr. Justice K.RAVICHANDRA BABU,
Judge (Retired) High Court, Madras
ID Crescent Castle, 13/6,
II Crescent Park Road,
Gandhi Nagar,
Adyar, Chennai-600 020.
Contact Nos.94980 33336 and
94440 11433



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N. SATHISH KUMAR, J.

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