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IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 16TH DAY OF SEPTEMBER 2021

THE HON'BLE MR. JUSTICE N.SATHISH KUMAR

Arb.O.P. (Com.Div) No.100 of 2021

In the matter of application filed under
Section 11 of the Arbitration and
Conciliation Act, 1996 as amended by
Act No.(3 of 2016) & (33 of 2019);

And

In the matter of Arbitration Disputes
between Daimler Financial Services
India Private Limited., and AUM
KHANNA and another in respect of
Loan Agreement No.10127613 Dated
– 21/09/2017

M/s. DAIMLER FINANCIAL SERVICES INDIA PVT LTD.,
Represented by its Authorised Signatory
Rakesh Dawny Kokkattu,
Having their Registered Office
Campus 3A, 2nd Floor, RMZ Millenia
Business Park II, No.143, Dr. MGR Road,
Perungudi, Chennai – 600 096.
Tamil Nadu, India.

... Petitioner

Vs.

1. AUM KHANNA,
B-1 Top Floor, Green Park Extn,
New Delhi, Delhi – 110 016.

2. SAPNA KHANNA,
B-1, Top Floor, Green Park Extn,
New Delhi, Delhi – 110 0116.

... Respondents



Original Petition praying that this Hon'ble Court be pleased to appoint a Sole Arbitrator to adjudicate upon the differences and disputes between then parties under the said agreement dated 21/09/2017 in respect of contract bearing No.10127613.

This Original Petition coming on this day before this court for hearing in the presence of Mr.M.Arunachalam for advocate for the petitioner herein and for the Respondents herein not appearing in person or by advocate and upon reading the petition filed herein and

it is ordered as follows:-

That Mr.A.Vikash, Advocate, residing at No.160, Thambu Chetty Street, Hussain Plaza, First Floor, Boardway, Chennai – 600 001, (Mobile No.94444 67010) be and is hereby appointed as a Sole Arbitrator to enter upon reference and adjudicate the matter.

2) 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.



3) That the learned Sole Arbitrator appointed herein shall fix his fees and other incidental charges and the same shall be borne by the parties equally.

4) That both parties hereto shall bear their own costs.

WITNESS THE HON'BLE MR. JUSTICE SANJIB BANERJEE,
CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE
16TH DAY OF SEPTEMBER 2021.

Sd/-

ASSISTANT REGISTRAR (Comm Cases)

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.



ED

24.09.2021

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Arb O.P.(Com.Div) No.100 of 2021

ORDER

DATED: 16.09.2021

THE HON'BLE MR. JUSTICE
N.SATHISH KUMAR

FOR APPROVAL: 27.09.2021

APPROVED ON : 28.09.2021

Copy to:

Mr.A.Vikash, Advocate,
Arbitrator,
No.160, Thambu Chetty Street,
Hussain Plaza, First Floor,
Boardway,
Chennai – 600 001.
(Mobile No.94444 67010)



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THE HIGH COURT OF JUDICATURE AT MADRAS

Date 16.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Arb.O.P.No.100 of 2021

M/s.Daimler Financial Services India Pvt. Ltd.,
Represented by its Authorized Signatory,
Mr.Rakesh Dawny Kokkattu
Having their registered Office,
Campus 3A, 2nd Floor, RMZ Millenia,
Business Park II, No.143, Dr.MGR Road,
Perungudi, Chennai – 600 096.
Tamil Nadu, India.

. . . Petitioner

Versus

1. Mr.AUM Khanna,
B-1 Top floor, Green Park Extn.,
New Delhi, Delhi – 110 016.
2. Ms.Sapna Khanna.
B-1, Top Floor, Green Park Exten.,
New Delhi, Delhi – 110 016.

. . . Respondents

PRAYER : Petition filed under Section 11 [6] of Arbitration and Conciliation Act, 1996 to appoint a sole arbitrator to adjudicate upon the differences and disputes between the parties under the said agreement dated 21.09.2017 in respect of contract bearing No.10127613.

For petitioner : Mr.M.Arunachalam

For respondents : No appearance

**ORDER**

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This application has been filed for appointment of a sole arbitrator in respect of a dispute arose between the petitioner and the respondents with regard to a Loan Agreement dated 21.09.2017.

2. Despite service of notice and name printed in the cause list, none appeared for the respondents.

3. The parties are governed by the agreement and Clause 20 of the Agreement provides for reference of the dispute to the arbitrator

4. Accordingly, it is ordered as follows:

i) that Mr.A.Vikash, Advocate, No.160, Thambu Chetty Street, Hussain Plaza, First Floor, Boardway, Chennai – 600 001, Mobile No.9444467010 is appointed as a Sole Arbitrator to enter upon reference and adjudicate the matter.

ii] That the learned Arbitrator appointed herein,

~~shall~~ after issuing notice to the parties and upon hearing them, pass an award as expeditiously as



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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 fix his fees and other incidental charges and the same shall be borne by the parties equally.

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

Sd./-N.S.K.J.,
16.09.2021

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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