



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

MONDAY, THE 20TH DAY OF SEPTEMBER 2021

THE HON'BLE MR. JUSTICE N.SATHISH KUMAR

Application No.1249 of 2020

In the matter of Arbitration and
Conciliation Act, 1996

And

In the matter of the Dealership
Agreement dated 11.12.2009 and
11.12.2018

And

In the matter of dispute between The
Waterbase Limited and Puchalapalli
Surya Prakash Rao.

* M/s. The Waterbase Limited,
A Company registered under the
companies Act, 1956,
Represented by its Authorised Signatory,
Mr.M.Kumaravel,
Having its Registered Office at
Anathapuram Village, Thatapalli,
Gudur Mandal,
Nellore District – 524 344.

Also at...
Thapar House
No.37, Montieth Road, Egmore,
Chennai – 600 008.

... Applicant

-VS-

M/s.Reddy and Reddy Agencies
Rep.by Sole Proprietor
Puchalapalli Surya Prakash Rao



* Sambunipalam Village,
Iskapalli Post, Allur Mandal,
SPSK Nellore District,
Andhra Pradesh – 524 315.

... Respondent

* Amended as per Order dated
29/03/2021 in A.No.1416/2021 and time
extended as per Order dated 21/06/2021.

Application praying that this Hon'ble Court be pleased to direct the respondent to furnish security to the sum of Rs.1,96,04,610/- (Rupees One Crore Ninety-Six Lakh Four Thousand Six Hundred and Ten Rupees only).

This Application coming on this day before this court for hearing in the presence of Mr.Adarsh Subramanian, advocate for the Applicant herein and Mr.Yusuf S. Hussain for M/s. Zafarullakhan, advocates for the Respondent herein and upon reading the Judges Summons and the Affidavit of R.Achuthan filed herein and, the learned counsel on both side fairly submitted that though this application has been filed for an interim relief, there is no objection to refer the matter to arbitration. Hence, this Court may appoint an Arbitrator in respect of the dispute which is in the nature of the supply of aqua feeds. Whereas, only concern of the respondent is that the dispute is not covered in the present agreement and the claim has been raised in respect of the supply made prior to the agreement.



That Mr.K.Harishankar, Advocate, HSB Partners, Capitale, 9th Floor, 554-555, Anna Salai, Teynampet, Chennai – 600 018. (Mobile No.9841076561) 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 be paid fees and incidental charges, fixed by him and the same shall be borne by the parties equally.

4) That the respondent herein, shall be at liberty to raise any objections before the learned Arbitrator.

5) 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
20TH 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.)

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ED

30.09.2021

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A.No.1249 of 2020

ORDER

DATED: 20.09.2021

THE HON'BLE MR. JUSTICE
N.SATHISH KUMAR

FOR APPROVAL: 06/10/2021

APPROVED ON : 13/10/2021

Copy to:

Mr.K.Harishankar,
Advocate,
Sole Arbitrator,
HSB Partners, Capitale,
9th Floor, 554-555,
Anna Salai, Teynampet,
Chennai – 600 018.
(Mobile No.9841076561)



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MONDAY, THE 20TH DAY OF SEPTEMBER 2021

THE HON'BLE MR. JUSTICE N.SATHISH KUMAR

Application No.1249 of 2020

* M/s. The Waterbase Limited,
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-VS-

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Puchalapalli Surya Prakash Rao
* Sambunipalam Village,
Iskapalli Post, Allur Mandal,
SPSK Nellore District,
Andhra Pradesh – 524 315.

... Respondent

Application praying that this Hon'ble Court be pleased to direct
the respondent to furnish security to the sum of Rs.1,96,04,610/- (Rupees
One Crore Ninety-Six Lakh Four Thousand Six Hundred and Ten Rupees
only).



2. Heard the learned counsel for the applicant and the learned counsel for the respondent.

3. Learned counsel on both side fairly submitted that though this application has been filed for an interim relief, there is no objection to refer the matter to arbitration. Hence, this Court may appoint an Arbitrator in respect of the dispute which is in the nature of the supply of aqua feeds. Whereas, only concern of the respondent is that the dispute is not covered in the present agreement and the claim has been raised in respect of the supply made prior to the agreement.

4. Having regard to the fact that both side expressed their consensus to appoint an Arbitrator, this Court is inclined to appoint Mr. K. Harishankar as an Arbitrator to arbitrate the dispute between the parties. The respondent is at liberty to raise any objections before the learned Arbitrator.

5. Accordingly, this application is ordered as follows:

i) that Mr. K. Harishankar, Advocate, HSB

Partners, Capitale, 9th Floor, 554-555, Anna Salai,

Teynampet, Chennai- 600 018. Mobile



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No.9841076561 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 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 incidental charges fixed by him and the same shall be borne by the parties equally.

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

Sd./-N.S.K.J.,
20.09.2021

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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