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IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

MONDAY, THE 19TH DAY OF JULY, 2021

THE HON'BLE MR. JUSTICE N. SATHISH KUMAR

O.P. No.147 of 2021

In the matter of Arbitration and
Conciliation Act, 1996

And

In the matter of disputes between P.
SUBACHANDRAN, PONNUSAMY,
NATARAJAN and SHRIRAM
TRANSPORT FINANCE Co.Ltd.,
arising under Loan agreement no.
TIRUPP0603120017 Dated
14.03.2016.

1. P. Subachandran
S/o. Ponnusamy
No. 1/300 Mettu Thottam,
Neruperichal,
Vavipalayam,
Tiruppur - 642 666.

2. Ponnusamy
S/o. Chinnapa Gounder,
No. 1/300 Mettu Thottam,
Neruperichal,
Vavipalayam,
Tiruppur - 642 666.

3. Natarajan
S/o. Kondappan,
No. 2/183, Kanakkampalayam,
PI Rumanallur,
Tiruppur - 641 666.



Vs.

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1. M/s.ShriramTransport Finance Co. Ltd.,
Represented by its Authorized Representative
Mr.P.Senthil Kumar,
Administrative Officer,
Mookambika Complex, 3rd Floor,
No.4, Lady Desika Road, Mylapore,
Chennai – 600 004.
Branch Office :
No.131, BS Sundram Street,
Opp. New bus Stand, Avinashi,
Tiruppur – 641 654.

2. Mr.A.Noor Ahmed, B.A., B.L.,
The Sole Arbitrator,
Former President/District Judge-Consumer,
Kai Roon-Anword in Manzil,
St.No.7, 8, 6, Thirumarai Nagar, Podanur Road,
Coimbatore – 641 023.

. . . Respondents

Original Petition praying that this Hon'ble Court be pleased to pass an order, to terminate the mandate of the arbitrator who is the 2nd Respondent and to appoint a new arbitrator to adjudicate on the dispute between the petitioners and the respondents, in arbitration proceedings No.1142/2020 on the file of the 2nd Respondent.

This Original Petition coming on this day before this court for hearing in the presence of Mr. P. Saravanan, advocate for the Petitioners herein Mr. Venkatesan, advocate for the 1st respondent herein and upon reading the petition filed herein and this court is of the view that a perusal of the entire materials reveals that the grounds raised by the petitioners to

terminate the mandate of the arbitrator is not maintainable and it is for the



petitioners to appear before the arbitrator and raise all their objections including their objections as against the appointment of arbitrator under section 12 and 13 of the Arbitration and Conciliation Act and also with regard to jurisdiction, without raising any objections before the arbitrator, filing this petition on the ground that the papers have not been served, the mandate of the arbitrator cannot be terminated, it is ordered as follows:-

That the O.P. No. 147 of 2021 be and is hereby dismissed with liberty to the petitioners to raise all their objections before the learned arbitrator.

2. That the learned arbitrator be and is hereby directed to give copies to the petitioners within a period of one week from the date of receipt of this order and after serving the copies to the petitioners, he shall continue the proceedings.

WITNESS THE HON'BLE JUSTICE MR. SANJIB BANERJEE, THE CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE 19TH DAY OF JULY, 2021.

Sd./-
ASSISTANT REGISTRAR (O.S.II)

//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.



VF-06.08.2021

O.P. No.147 of 2021

ORDER :-

DATED: 19.07.2021

THE HON'BLE MR. JUSTICE
N. SATHISH KUMAR

FOR APPROVAL: 09/08/2021

APPROVED ON: 09/08/2021

COPY TO:

Mr. A. Noor Ahmed B.A., B.L.,
Sole Arbitrator,
Former President/
District Judge-Consumer,
Kai Roon-Anword in Manzil,
St.No.7, 8, 6, Thirumarai Nagar,
Podanur Road,
Coimbatore – 641 023.



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THE HIGH COURT OF JUDICATURE AT MADRAS

Date 19.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

O.P.No.147 of 2021

1. Mr.P.Subachandran

2. Mr.Ponnusamy

3. Mr.Natarajan

. . . Petitioners

Versus

1. M/s.ShriramTransport Finance Co. Ltd.,
Represented by its Authorized Representative
Mr.P.Senthil Kumar, Administrative Officer,
Mookambika Complex, 3rd Floor,
No.4, Lady Desika Road, Mylapore,
Chennai – 600 004.
Branch Office :
No.131, BS Sundram Street,
Opp. New bus Stand, Avinashi,
Tiruppur – 641 654.

2. Mr.A.Noor Ahmed, B.A.B.L.,
The Sole Arbitrator,
Former President/District Judge-Consumer,
Kai Roon-Anword in Manzil, St.No.7, 8, 6,
Thirumarai Nagar, Podanur Road,
Coimbatore – 641 023.

. . . Respondents

PRAYER : Petition filed under Order Section 14 read with Section 11 of Arbitration and Conciliation Act, 1996 as amended to terminate mandate of the arbitrator who is the second respondent and to appoint a new arbitrator



to adjudicate on the dispute between the petitioners and the respondents, in arbitration proceedings No.1142/2020 on the file of the second respondent.

For petitioners : Mr.P.Saravanan

For respondents : Mr.Venkatesan

ORDER

This Original petition has been filed to terminate the mandate of the arbitrator mainly on the ground that the copies have not been served on the petitioners during the arbitral proceedings. Therefore, the petitioner apprehends that the award may be a result of bias.

2. A perusal of the entire materials reveals that the grounds raised by the petitioners to terminate the mandate of the arbitrator is not maintainable. It is for the petitioners to appear before the arbitrator and raise all their objections including their objections as against the appointment of arbitrator under section 12 and 13 of the Arbitration and Conciliation Act and also with regard to jurisdiction. Without raising any objections before the arbitrator, filing this petition on the ground that the papers have not been served, the mandate of the arbitrator cannot be terminated.

3. In such view of the matter, this petition is dismissed with liberty to



the petitioners to raise all their objections before the learned arbitrator. The learned arbitrator is directed to give copies to the petitioners within a period of one week from the date of receipt of this Order and after serving the copies to the petitioners, he can continue the proceedings.

Sd./- N.S.K.J.,
19.07.2021

// Certified to be true copy//

Dated at Madras this day of 2021.

Court Officer(O.S.)

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