

THE HIGH COURT OF JUDICATURE AT MADRAS

Date 08.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

O.P.No.166 of 2021

MPL Cars Pvt. Ltd.,
Rep. by its Resolution Professional,
Mr.K.Sivalingam,
F-1, Abdul Regency, 1st Floor,
No.6, South Mada Street, Srinagar Colony,
Saidapet, Chennai – 600 015.

... Petitioner

Versus

M/s.Ford India Pvt. Ltd.,
Rep. by its Managing Director,
Mr.B.Srinivasan,
S.P.Koil Post, Marimalai Nagar,
Chengalpattu – 603 034.

... Respondent

PRAYER : Petition filed under Section 11(6) of Arbitration and Conciliation Act, 1996 to appoint a Sole Arbitrator to resolve the disputes arising out of Dealer Sale and Service Agreement dated 15.06.2011 between the petitioner and the respondent.

For petitioner : Mr.K.Priyanka

For respondent : Mr.Chethan Sagar

ORDER

This Original Petition has been filed to appoint an arbitrator to resolve the dispute arising out of the Dealer Sale and Service Agreement dated 15.06.2011 entered between the petitioner and the respondent.

2. It is the contention of the petitioner that originally Honourable Justice Mr.N.V.Balasubramanian has been appointed as an arbitrator and the said arbitrator died during the pendency of the proceedings. In the meanwhile, since the company went for moratorium by an Order dated 13.08.2020, a Resolution Professional has been appointed. Only after the death of the sole arbitrator, the Resolution Professional came to know about the arbitration proceedings and therefore, there is a delay. Hence, it is prayed that a fresh arbitrator may be appointed. The learned counsel for the petitioner further suggested that Honourable Justice Mr.S.Rajeshwaran may be appointed as a Sole Arbitrator.

3. The learned counsel for the respondent has no objection for appointment of Honourable Justice S.Rajeshwaran as a Sole Arbitrator.

4. Having regard to the fact there is an arbitration clause in the agreement

and that the Resolution Professional is incharge of the company and he has filed this petition on behalf of the company, it is ordered as follows:

i) that Mr.S.Rajeshwaran, Judge [Retd.], High Court, Madras, residing at No.AA-67, II Street, Near Rountana Nalli Silk House, Anna Nagar, Chennai – 600 040, Mobile No.9444390952 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 as per the schedule 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.

08.04.2021

Index : Yes / No

Internet: Yes

Speaking/non speaking order

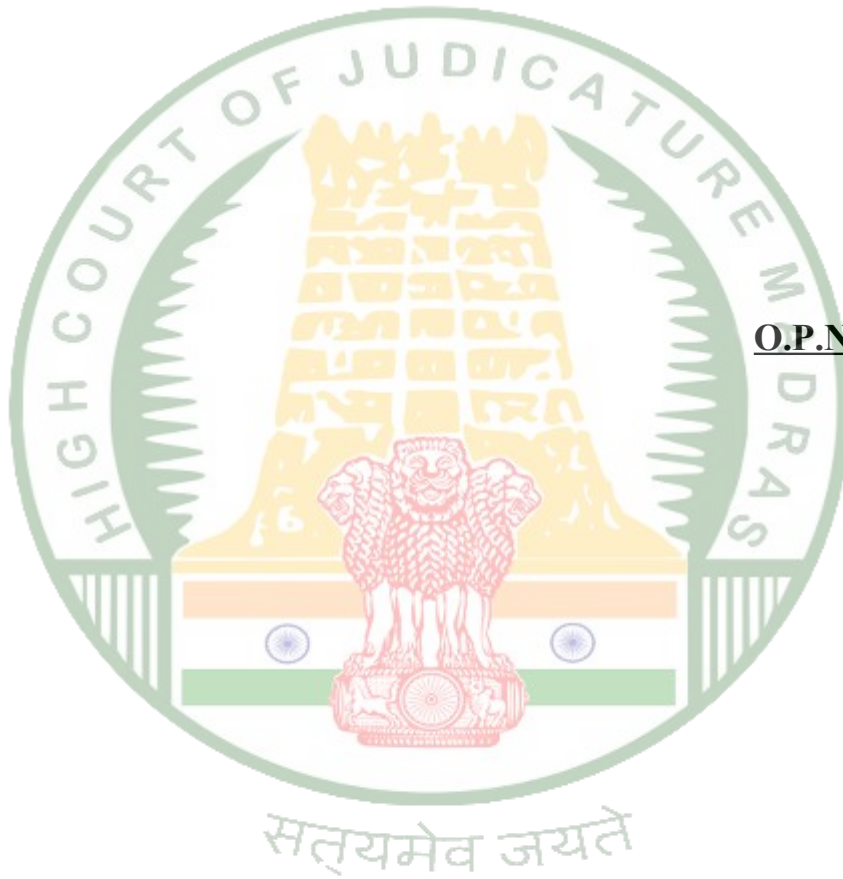
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To
Mr.S.Rajeshwaran,
Judge [Retd.],
No.AA-67, II Street,
Near Rountana Nalli Silk House,
Anna Nagar,
Chennai – 600 040.
Mobile No.9444390952



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N. SATHISH KUMAR, J.
VTC



order in:

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