

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.01.2021

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

O.P.No.359 of 2020

M/s. ETA Engineering Pvt. Ltd.,
Represented by its Authorised Signatory,
Mr. Syed Murthuza Bukhari,
No.20/21, Razak Garden Main Road,
Chennai – 600 106.

Petitioner

Vs

M/s. Hill Biotech Limited
(Subsidiary of HLL Lifecare Limited)
(Government of India Enterprise)
Represented by its Chief Executive Officer,
Having Registered office at
HLL Bhavan, Poojappura Post,
Thiruvananthapuram – 695012

... Respondent

Prayer : Original Petition filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 praying to constitute an Arbitral Tribunal by appointing an Arbitrator as per the purchase order dated 29.09.2015 which includes General conditions of contract, wherein parties had agreed to refer the dispute to Arbitration.

For Petitioner : Mr. S.S. Rajesh

For Respondent : Mr.V. Kamla Kumar

ORDER

The above petition is filed for appointing an Arbitrator in terms of Arbitration Clause contained in the Purchase Order dated 29.09.2015. Although the respondent had filed counter and had initially opposed the said petition on the ground that there is no cause of action for filing the petition, as no disputes had arisen giving the petitioner a cause for filing the Petition under Section 11 (6) of the Arbitration and conciliation Act. However, the learned counsel thereafter agreed to have the issues referred to an Arbitrator. Although the agreement between the parties contemplated an Arbitral Tribunal of three Members, the counsels on instructions would submit that the matter be referred to a sole Arbitrator who has knowledge about the Sales Tax. Both counsels also agreed to the suggestion of this Court to have Ms. Aparna Nandakumar appointed as the Sole Arbitrator.

2. Accordingly, it is ordered as follows:

(i) M/s Aparna Nandakumar, Advocate and Sr Standing Counsel GST and Customs, High Court Madras, Mobile No. 9600178450, Email:

ankadvoffice@gmail.com, Office address: Dwarka, New No.6, Old No.21, Ramakrishnan Street T Nagar, Chennai - 600017 is appointed as the Arbitrator to enter upon reference and adjudicate the disputes inter se the parties.

ii) The learned Arbitrator may, 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. It is open to the respondent to raise all legal objections as to the validity of contract.

iii) The learned Arbitrator is at liberty to fix his remuneration and other incidental expenses as per law.

iv) The proceedings may be conducted under the aegis of the Madras High Court Arbitration Centre and in accordance with the Madras High Court Arbitration Rules.

The Original Petition is, accordingly, allowed, leaving the parties to bear their own costs.

21.01.2021

mrn

Index : Yes/No
Speaking order/non-speaking order

To,

1. M/s. ETA Engineering Pvt. Ltd.,
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No.20/21, Razak Garden Main Road,
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2. M/s. Hill Biotech Limited
(Subsidiary of HLL Lifecare Limited)
(Government of India Enterprise)
Represented by its Chief Executive Officer,
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P.T.ASHA, J.

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