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IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 2ND DAY OF SEPTEMBER 2021

THE HON'BLE MR. JUSTICE N.SATHISH KUMAR

O.P. No.263 of 2021

In the matter of Section 11(5) of the
Arbitration and Conciliation Act,
1996.

and

In the matter of Agreement for the
provision of Deputation Services by
Randstad India Private Limited to
Expat Projects and Development
Private Limited dated 01.12.2012.

M/s.Randstad India Private Limited,
Represented by its head Legal and Regulatory
Affairs and Authorized Representative Mr.Tapos Moitra,
“Randstad House”, Old No.5 and 5A, New No.9,
Pycrofts Garden Road, Chennai – 600 006.

. . . Petitioner

Versus

M/.Expat Projects and Development Private Limited.,
Represented by its Chairman and Managing Director,
Mr.Santhosh Shetty,
34d Floor, Tower Carlton, Tower No.1, A Wing,
Unit No.301 – 314, No.1, Old Airport Road,
Bangalore – 560 008.

. . . Respondent

Original Petition praying that this Hon'ble Court be pleased to

appoint an arbitrator on behalf of the respondent to adjudicate the dispute

between the petitioner and the respondent arising out of the Agreement for



provision of Deputation Services by Randstad India Private Limited to Expat Projects and Development Private Limited dated 01.12.2012.

This Original Petition coming on this day before this court for hearing in the presence of Mr.V.V.Sivakumar advocate for the petitioner herein and Ms.Niyathi, Advocate for the respondent herein and upon reading the petition and the Affidavit of Tapos Moitra filed herein and

it is ordered as follows:-

That Mr.K.K.Muralitharan, Advocate, residing at Room B, 5th Floor, Canara Bank Building, No.257, Angappan Street, Chennai – 600 001, Mobile No.9884043499 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 a copy of this 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.

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WITNESS THE HON'BLE MR. JUSTICE SANJIB BANERJEE,
CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE
02nd DAY OF SEPTEMBER 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
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20.09.2021

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O.P.No.263 of 2021

ORDER

DATED: 02.09.2021

THE HON'BLE MR. JUSTICE
N.SATHISH KUMAR

FOR APPROVAL: 20.09.2021

APPROVED ON : 21.09.2021

Copy to:

Mr.K.K.Muralitharan, Advocate,
Arbitrator, residing at Room B,
5th Floor, Canara Bank Building,
No.257, Angappan Street,
Chennai – 600 001,
Mobile No.9884043499.



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THE HIGH COURT OF JUDICATURE AT MADRAS

Date 02.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

O.P.No.263 of 2021

M/s.Randstad India Private Limited,
Represented by its head Legal and Regulatory
Affairs and Authorized Representative Mr.Tapos Moitra,
“Randstad House”, Old No.5 and 5A, New No.9,
Pycrofts Garden Road, Chennai – 600 006.

. . . Petitioner

Versus

M/.Expat Projects and Development Private Limited.,
Represented by its Chairman and Managing Director,
Mr.Santhosh Shetty,
34d Floor, Tower Carlton, Tower No.1, A Wing,
Unit No.301 – 314, No.1, Old Airport Road,
Bangalore – 560 008.
. . . Respondent

PRAYER : Petition filed under Order Section 11 [6] of Arbitration and Conciliation Act, 1996 to appoint an arbitrator an arbitrator on behalf of the respondent to adjudicate the dispute between the petitioner and the respondent arising out of the Agreement for provision of Deputation Services by Randstad India Private Limited to Expat Projects and Development Private Limited dated 01.12.2012.

For petitioner : Mr.V.V.Sivakumar

For respondent : Ms.Niyathi



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ORDER

This application has been filed for appointment of an arbitrator in respect of the dispute arose between the parties with regard to the agreement dated 01.12.2012.

2. A deputation of service agreement was entered between the parties on 01.12.2012. The agreement required stamp duty and the stamp duty has been paid as per the Order of this Court dated 05.08.2021. The deficit stamp duty has been collected and the document has been validated. The contract provides for reference in the event of dispute arose between the parties and the dispute resolution clause reads as follows :

“Any and all dispute, differences or questions relating to or arising out of this Agreement, including without limitation, any question relating to the existence, validity and enforceability of any of the provisions of this Agreement [together “Disputes”], will be submitted for arbitration under the provisions of the Arbitration and Conciliation Act, 1996 with each party appointing their arbitrators who in turn shall jointly



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decide on the third arbitrator. The parties agree that the place of arbitration will be in Chennai and the language of arbitration proceedings shall be English language. The decision of the arbitrator will be final and binding on the Parties.”

In the above clause, the parties have agreed for arbitration at Chennai.

3. Accordingly, with the consent of both sides, it is ordered as follows:

i) that Mr.K.K.Muralitharan, Advocate, residing at Room B, 5th Floor, Canara Bank Building, No.257, Angappan Street, Chennai – 600 001, Mobile No.9884043499 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.



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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.

4. This Original application is ordered accordingly, leaving the parties to bear their own costs.

Sd./-N.S.K.J.,
02.09.2021

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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