



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

WEDNESDAY, THE 30TH DAY OF JUNE 2021

THE HON'BLE MR. JUSTICE N.SATHISH KUMAR

O.P. No.333 of 2021

In the matter of Section 11 of the
Arbitration and Conciliation Act of
1996

And

In the matter of the Arbitration
Agreement Contained in Clause 14 of
Agreement dated 28.08.2017.

M/s Powergear Limited,
Represented by its Authorised Signatory
Mr.Ramesh Kumar.R,
Plot B-33, Phase II, 5th Main Road,
MEPZ – SEZ, Tambaram,
Chennai – 600 045.

. . . Petitioner

Versus

M/s Anu Consultants,
Represented by its Proprietor
Mr.D.Simon Amallraja,
104A, Lakeview Residency,
Sainikupuri,
Secunderabad – 500 094.

. . . Respondent

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

appoint a suitable person as the Sole Arbitrator as per the Arbitration

Agreement in the Agreement dated 28.08.2017 to decide the disputes which



have arisen between the petitioner and the Respondent.

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This Original Petition coming on this day before this court for hearing in the presence of Mr.K.Gowtham Kumar, Advocate for the petitioner herein and Mr.T.V.Lakshmanan, Advocate for the respondent herein, and upon reading the petition filed herein, it is ordered as follows:-

That Mr.K.Harishankar, Advocate, HSB Partners, residing at 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 and it is open to the respondent to raise any objections as per law before the arbitrator.

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.



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4. 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
30th DAY OF JUNE 2021.

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

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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15.07.2021

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O.P. No.333 of 2021

ORDER:-

DATED: 30.06.2021

THE HON'BLE MR. JUSTICE
N.SATHISH KUMAR

FOR APPROVAL: 19.07.2021

APPROVED ON : 20.07.2021

Copy to:

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



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5

THE HIGH COURT OF JUDICATURE AT MADRAS

Date 30.06.2021

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

O.P.No.333 of 2021

M/s.Powergear Limited,
Represented by its Authorised Signatory,
Mr.Ramesh Kumar, R
Plot B-33, Phase II, 5th Main Road,
MEPZ – SEZ, Tambaram . . . Petitioner

Versus

M/s.Anu Consultants,
Represented by its Proprietor,
Mr.D.Simon Amallraja,
104A, Lakeview Residency,
Sainikupir, Secunderabad - 500 094. . . Respondent

PRAYER : Petition filed under Section 11 of Arbitration and Conciliation Act, 1996 to appoint a suitable person as the Sole Arbitrator as per the Arbitration Agreement dated 28.08.2017 to decide the disputes which have arisen between the petitioner and the respondent.

For petitioner : Mr.K.Gouwtham Kumar

For respondent : Mr.T.V.Lakshmanan

ORDER

This Original Petition has been filed to appoint an arbitrator to



entered between the petitioner and the respondent.

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2. Admittedly, there is existence of agreement between the parties.

The only concern of the respondent is that the issue cannot arbitrated and it cannot be decided by the arbitrator. It is to be noted that arbitral tribunal may rule on its own jurisdiction, including on any objection with respect to the existence or validity of the arbitration agreement under section 16 of the Arbitration and Conciliation Act.

3. Therefore, having regard to the nature of the dispute which involves confidentiality, non solicitation, non compete clause and by consent of both sides, this Court is inclined to appoint Mr.K.Harishankar, Advocate as a Sole arbitrator.

4. Accordingly, it is ordered as follows:

i) that Mr.K.Harishankar, Advocate, HSB Partners, residing at Capitale, 9th Floor, 554-555, Anna Salai, Teynampet, Chennai – 600 018, Mobile 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



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the date of receipt of the Order. It is open to the respondent to raise any objections as per law before the arbitrator.

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.

5. This Original Petition is ordered accordingly, leaving the parties to bear their own costs.

Sd./-N.S.K.J.
30.06.2021

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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