



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

MONDAY THE 2ND DAY OF AUGUST 2021

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

O.P.NO.604 of 2015

J.N.N. Matriculation School,
Rep. by its Chairman
Mr.S.Jayachandran,
Usha Garden,
90, Kannigaipair,
Uthukottai Taluk,
Thiruvallur – 601 102,
Chennai.

...Petitioner

Vs

1. M/s.Educomp Solutions Limited,
Rep.by its Senior Vice President,
1211, Padma Tower,
5, Rajendra Palace,
New Delhi-110 008.

2. Ms.Sonia Singhani,
Advocate,
Chamber No.427,
Patiala House Court,
New Delhi-110 001.

...Respondents

Original Petition praying that this Hon'ble Court be pleased to
TERMINATE the appointment of the 2nd Respondent – Sole Arbitrator
made by the 1st Respondent in his letter dated 27.11.2014 with costs.



hearing in the presence of Mr.S.Giridharan, Advocate for the petitioner herein and upon reading the petition filed herein and this court having observed that the Arbitrator had proceeded the matter, and award came to be passed, which was also put in challenge under Sec.34 of the Act, in such new of the matter the Original Petition seeking to terminate the appointment of Arbitrator become infructuous and **it is ordered:-**

That the O.P.No.604 of 2015 be and is hereby dismissed.

WITNESS THE HON'BLE MR. JUSTICE SANJIB BANERJEE,
CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS
THE 2ND DAY OF AUGUST 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.



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27/08/2021

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O.P.No.604 of 2015

ORDER

DATED :02.08.2021

THE HON'BLE MR.JUSTICE
N.SATHISH KUMAR

FOR APPROVAL: 13/09/2021

APPROVED ON:14/09/2021



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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.08.2021

C O R A M

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

O.P. No. 604 of 2015

J.N.N.Matriculation School,
rep. by its Chairman,
Mr.S.Jayachandran,
Usha Garden, 90, Kannigaipair,
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... Petitioner

Vs

1. M/s.Educomp Solutions Limited,
rep. by its Senior Vice President,
1211, Padma Tower,
5, Rajendra Palace,
New Delhi – 110 008.

2. Ms.Sonia Singhani,
Advocate,
Chamber No.427, Patiala House Court,
New Delhi-110 001.

... Respondents

PRAYER : Original Petition filed under Section 14 and Section 15 read with Section 11 of the Arbitration and Conciliation Act, 1996, praying to terminate the appointment of the 2nd respondent – Sole Arbitrator made by the 1st respondent in his letter dated 27.11.2014 with



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For Petitioner

: Mr. S.Giridharan

ORDER

This Original Petition has been filed seeking to terminate the appointment of sole arbitrator.

2. The main ground raised is that the arbitrator has been appointed without the consent of the petitioner. It appears that, if the Arbitrator is appointed, the grounds for challenge can be made as contemplated under Sec.12 and 13 of the Act and that application can be made within 15 days after becoming aware of the constitution of arbitral tribunal or after becoming aware of any circumstances referred to in sub-section (3) of the Act. Though it is the contention of the learned counsel that the said application has been filed straight away, it is to be noted that objections should be raised as per law, but it has not been done so. During submissions, it came to light that subsequently, the Arbitrator had proceeded the matter, and award came to be passed, which was also put in challenge under Sec. 34 of the Act.



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3. In such view of the matter, the Original Petition seeking to terminate the appointment of Arbitrator become infructuous. Accordingly, this Original Petition stands dismissed.

Sd./-N.S.K.J
02.08.2021

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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