

THE HIGH COURT OF JUDICATURE AT MADRAS

Date 02.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

O.P.No.416 of 2021

M/s.Prince Pipes and Fitting Limited,
Represented by its Authorised Signatory
Mr.Rajasekar,, S/o.Dasu
Deputy Manager [HR],
having registered office at The Ruby,
8th Floor, 29, Senapati Bapat Road, Dodar,
Mumbai – 400 028.

... Petitioner

Versus

1. M/s.GPR Power Solutions Private Limited,
having registered office at No.47,
2nd Main Road, Extn – 5, VGN Mahalakshmi Nagar,
Chennai – 600 077.

2. M/s.GPR Estatezs,
Represented by its Chief Executive Officer,
S.Dhamotharan,
having office at No.47, 2nd Main Road,
Extn – 5, VGN Mahalakshmi Nagar,
Chennai – 600 077.

... Respondents

PRAYER : Petition filed under Section 11 of Arbitration and Conciliation Act, 1996 to appoint a sole arbitrator for adjudicating the dispute and direct the arbitral

tribunal to continue from the proceedings as it stand today.

For petitioner : Mr.G.Vivekanand

For respondents : Mr.Thiageswaran
for M/s.Waron & Sairams – R1

No appearance – R2

ORDER

This petition has been filed for appointment of an arbitrator mainly on the ground that the sole arbitrator already appointed by consent has expressed his inability to continue and recused from the proceedings and therefore, new arbitrator has to be appointed.

2. There is no dispute with regard to the existence of the contract and Mr.Kabir, Senior Counsel has been originally appointed as sole arbitrator. However, he has expressed his inability due to the conduct of the parties and he wanted to recuse himself from the proceedings. When the earlier arbitrator recused himself from the proceedings, the parties have no other option except to go for new arbitrator.

5. In such view of the matter, by consent of both sides, this Court is inclined to appoint Mr.Yashod Vardhan, Senior Counsel, as a Sole Arbitrator.

6. Accordingly, it is ordered as follows:

i) that Mr.Yashod Vardhan, Senior Counsel, residing at New No.21, 7th Main road, RA Puram, Chennai – 600 028 Mobile No.9841075397 is appointed as a Sole Arbitrator to enter upon reference and adjudicate the matter.

ii] The Senior Counsel Mr.Kabir is requested to forward all the documents, if any filed, available with him in this matter to the newly appointed arbitrator.

iii] The arbitrator shall continue arbitration from the stage where the previous arbitrator left and learned arbitrator shall decide the issue on merits and pass an award as expeditiously as possible, preferably within a period of six months from the date of receipt of the Order.

iv] It is made clear that both the parties are directed not to contact the arbitrator directly or communicate with him

and all the documents shall be filed and representations to be made only through their respective counsels.

vi] 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.

02.07.2021

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

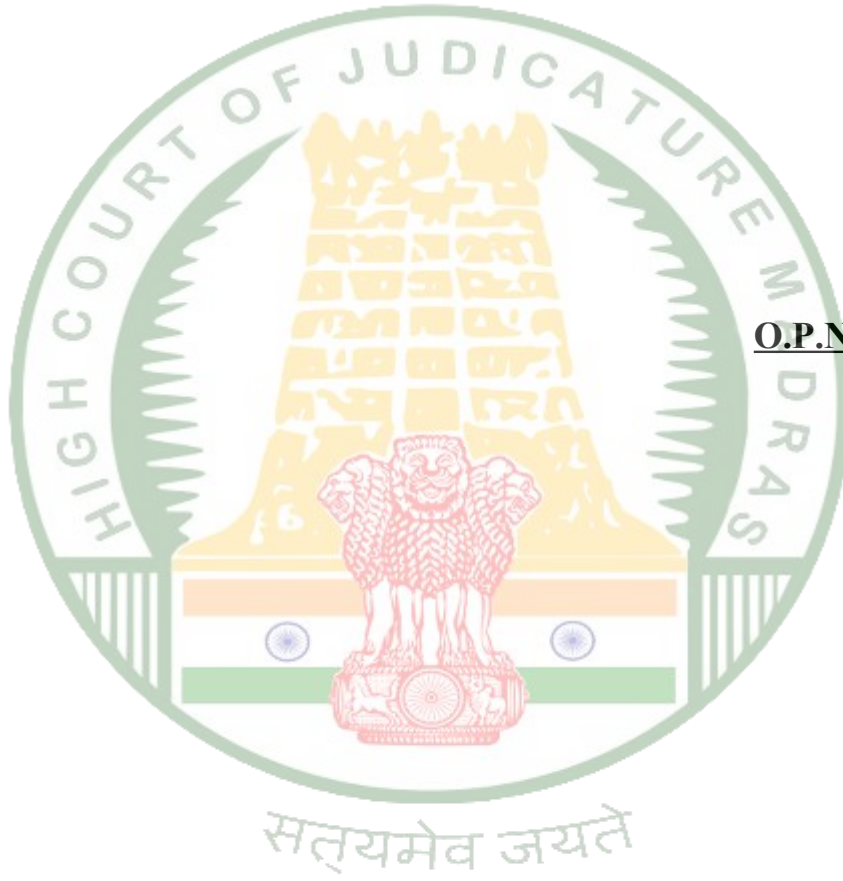
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To

1. Mr.Yashod Vardhan,
Senior Counsel,
New No.21, 7th Main road,
RA Puram, Chennai – 600 028
Mobile No.9841075397

2. Mr.K.Kabir,
Senior Counsel,
T-5, Madhuram Apartments, #23, Urur Olcott Kuppam Road,
Besant Nagar, Chennai – 600 090.
Mobile : 98400 44258

N. SATHISH KUMAR, J.
VRC



order in:

O.P.No.416 of 2021

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