

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

FRIDAY, THE 17TH DAY OF SEPTEMBER 2021

THE HON'BLE MR. JUSTICE N.SATHISH KUMAR

Arb.O.P(Com Div)No.94 of 2021

In the matter of Section 15 to be read
with Section 11 of the Arbitration and
Conciliation Act, 1996. Job Work
Agreement dt:15.10.2005

And

In the matter of Arbitral Proceedings
Pending Pursuant to recusal of Ld.
Sole Arbitrator, i.e., Retired Justice
Shri.G.M.Akbarali.

M/s.Auro Logistics Limited,
Rep. by its Authorized Signatory,
G.Shrinivashan,
No.9, Ranjith Road,
Kotturpuram, Chennai – 600 085.

... Petitioner

Vs.

1. M/s.Sri Lakshmi Narasimha Mining Company Pvt. Ltd.,
Represented by the Minority Shareholder and its
Director Mr.M.Kiran Kumar Reddy,
Residing at Flat No.F-1, Sneha Apartments,
No.555, 17th Cross, Vth Main,
Opposite to HIG Dollars Colony,
New BEL Road, Bangalore – 560 094.
2. Mr. R. Yathin Reddy,
[Majority Shareholders]
M/s.Sri LakshmiNarasimha Mining Co. Pvt. Ltd.,
No.51, 1st Floor, Sky Villa, Binny Road,
Poes Garden, Chennai – 600 086.

3. Smt. Jansi S. Reddy
[Majority Shareholders]
M/s.Sri LakshmiNarasimha Mining Co. Pvt. Ltd.,
No.51, 1st Floor, Sky Villa, Binny Road,
Poes Garden, Chennai – 600 086.
 4. Smt.Nandana Reddy
W/o. Chakravarthy Reddy,
No.1004, Block – II,
Sun City Apartment,
Sarjapur Outer Ring Road,
Belandhur, Bangalore – 560 103.
- ... Respondents

Original Petition praying that this Hon'ble Court be pleased to appoint a new Sole Arbitrator in place of the Retired Justice G.M.Akbar Ali who has since refused to resolve the disputes between the parties in order that the disputes between the parties be resolved.

b) To direct the Respondent to pay the costs of these proceedings.

This Original Petition along with Arb.O.P(Com Div)No.95 of 2021 coming on this day before this court for hearing in the presence of Mr.S.R.Raghunathan for Mr.C.Jagadish, advocates for the petitioner herein and Mr.Sathish Parasaran, Senior Council for Mr.Arun C. Mohan and Mr.K.Sarveshwar for M/s.Giridhar & Sai, advocates for the 1st Respondent herein and Mr.K.Venkatesh, advocate for the 2nd & 3rd Respondents herein and Mr.John Joseph, advocate for the 4th Respondent herein and upon reading the petition and the Affidavit of G.Shrinivashan filed herein and

it is ordered as follows:-

That the Hon'ble Ms. Justice R.Banumathi, Former Judge, Supreme Court of India, C.20, C Block, Ground Floor, Defence Colony, New Delhi – 110 024, (Mobile Nos. – 7042955477 and 7397329476) be and is hereby appointed as an 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 and shall make an endeavour to expedite the proceedings and pass an award, 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 be paid fees and other incidental charges, fixed by her and the same shall be borne by the parties equally.

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 17TH DAY OF SEPTEMBER 2021.

Sd/-

ASSISTANT REGISTRAR (Comm.Cases)

//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/Decrees in this format.

ED
28.09.2021

Arb O.P.(Comm Div)No.94 of 2021

ORDER

DATED: 17.09.2021

THE HON'BLE MR. JUSTICE
N.SATHISH KUMAR

FOR APPROVAL: 28.09.2021

APPROVED ON : 29.09.2021

Copy to:

The Hon'ble Ms.Justice R. Banumathi,
Former Judge,
Supreme Court of India, Arbitrator,
C.20, C Block, Ground Floor,
Defence Colony,
New Delhi – 110 024.
Mobile Nos. – 7042955477
7397329476

(With covering Letter)

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 17.09.2021

C O R A M

THE HONOURABLE Mr.JUSTICE N.SATHISH KUMAR

Arb. Original Petition (Comm) No.94 & 95 of 2021

M/s.Auro Logistics Limited,
Rep. by its Authorized Signatory,
G.Shrinivashan,
No.9, Ranjith Road, Kottupuram.
Chennai – 600 085.

... Petitioner O.P.No.94
of 2021

M/s.Trans India Shipping Services Pvt. Limited,
Rep. by its Authorized Signatory,
C.Sathyanarayana,
No.9, Ranjith Road, Kotturpura,
Chennai – 600 085.

... Petitioner O.P.No.95
of 2021

Vs

1. M/s.Sri Lakshmi Narasimha Mining Company Pvt. Ltd.,
Represented by the Minority Shareholder and its
Director Mr.M.Kiran Kumar Reddy,
residing at Flat No.F-1, Sneha Apartments,
No.555, 17th Cross, Vth Main, Opposite to HIG
Dollars Colony, New BEL Road, Bangalore – 560 094.

2. Mr.R.Yathin Reddy
[Majority Shareholders]
M/s.Sri LakshmiNarasimha Mining Co. Pvt. Ltd.,
No.51, 1st Floor, Sky Villa, Binndy Road,
Poes Garden, Chennai – 600 086.

2. Mrs.Jansi S. Reddy

[Majority Shareholders]

M/s.Sri LakshmiNarasimha Mining Co. Pvt. Ltd.,
No.51, 1st Floor, Sky Villa, Binndy Road,
Poes Garden, Chennai – 600 086.

3. Mrs.Nandana Reddy

... Respondents in
both petitions

Petition filed under Section 11 (6) of the Arbitration and Conciliation Act, 1996, to appoint a new sole arbitrator in the place of the Retired Justice G.M.Akbar Ali who has since refused to resolve the dispute between the parties in order that the disputes between the parties may be resolved and to direct the respondents to pay the costs of these proceedings.

For petitioner

... Mr.S.R.Raghunathan
for Mr.C.Jagadish
in O.P.No.94 of 2021

Mr.P.Girigharan
for Mr.K.P.Suresh Kumar
in O.P.No.95 of 2021

For respondents
in both petitions

... Mr.Sathish Parasaran, SC
for Mr.Arun C.Mohan – R1

Mr.K.Sarveshwar
for Giridhar & Sai – R1

Mr.K.Venkatesh – R2 & R3

Mr.John Joseph – R4

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COMMON ORDER

These Original Petitions have been filed for appointment of a new arbitrator, since earlier arbitrator has rescued himself from the proceedings, to resolve the dispute between the parties.

2. As the earlier arbitrator has rescued himself from the proceedings and the mandate has also expired, this petition has been filed. The respondents have no objection for appointment of a fresh arbitrator. The learned counsel for the respondents submitted that the majority shareholders are also promoters of the petitioner's company.

3. Having regard to the nature of the dispute between the parties and that a counter claim of Rs.475 Crores has been raised by the first respondent, this Court is deems fit to appoint Justice Ms.R.Banumathi, retired Judge of Supreme Court of India, as an arbitrator to continue the proceedings, where it was left by the earlier arbitrator.

4. Accordingly, these Original Petitions are ordered as follows:

i) The Hon'ble Ms.Justice R.Banumathi, Former
Judge, Supreme Court of India, C.20, C Block, Ground
Floor, Defence Colony, New Delhi 110 024, [Mobile

Nos.7042955477 and 7397329476] is appointed as an Arbitrator to enter upon reference and adjudicate the matter.

ii] The learned Arbitrator appointed herein, shall after issuing notice to the parties and upon hearing them and shall make an endeavour to expedite the proceedings and pass an award, preferably within a period of six months, from the date of receipt of a copy of this Order.

iii] The learned Sole Arbitrator appointed herein shall be paid fees and other incidental charges, fixed by her and the same shall be borne by the parties equally.

5. This Original Petitions are ordered accordingly, leaving the parties to bear their own costs.

Sd./-N.S.K.J
17.09.2021

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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