



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

TUESDAY, THE 31ST DAY OF AUGUST 2021

THE HON'BLE MR. JUSTICE N.SATHISH KUMAR

O.P.No.434 of 2021

In the matter of application filed
Under Section 11 of the Arbitration
and
Conciliation Act, 1996 as amended by
Act No.(3 of 2016) & (33 of 2019);

And

In the matter of Arbitration Disputes
between M/s. Samunnati Agro
Solutions Pvt. Ltd., and M/s. G K Veg
Restaurant Represented by its Partners
Mr.Karunakaran, Mr.K.Gunasekaran
in respect of Sourcing and
Distribution Agreement Dated –
25.01.2018.

M/s. Samunnati Agro Solutions Pvt, Ltd.,
Registered Office at Baid Hi Tect Park,
8th Floor, No.129-B, East Coast Road,
Tiruvanmiyur, Chennai – 600 041.
Represented By its Senior Manager

... Petitioner

Vs

1. M/s. G K Veg Restaurant,
Represented by its Partners,
Mr. Karunakaran,
Mr. K.Gunasekaran,
No.32, Gandhi Street,
Chitlapakkam, Sanatorium,
Chennai – 600 064.



2. Mr.Karunakaran,
Partner,
M/s.G K Veg Restaurant,
S/o. Mr. K. Velusamy,
No.20, Srinivasa Nagar, Main Road,
Chitlapakkam, Chennai – 600 064.

Also residing at:
No.5, 1st Floor,
Varadarajan Street,
Near Vijay Hall,
Chitlapakkam, Chennai – 600 064.

3. Ms. G. Geethalakshmi,
W/o. Late K.Gunasekaran,
Partner
M/s. G K Veg Restaurant,
No.33, 5th Cross Street,
Srinivasa Nagar,
Chitlapakkam, Chennai – 600 064.

... Respondents

Original Petition praying that this Hon'ble Court be pleased to appoint a Sole Arbitrator as provided under Clause 13 of the Sourcing and Distribution Agreement dated 25.01.2018 to adjudicate upon the differences and disputes between the parties under the said agreement dated 25.01.2018.

This Original Petition coming on this day before this court for hearing in the presence of M/s.M.Nagalakshmi advocate for the Petitioner herein and for the 1st & 2nd Respondents herein not appearing in person or by advocate and 3rd Respondent not appearing in person or by advocate, and the said 3rd Respondent being set exparte and upon reading the petition filed herein and



it is ordered as follows:-

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That Mr.E.Tamizharasan, Advocate, residing at No.16/26, Vasudevapuram, Ice House, Triplicane, Chennai – 600 005. (Mobile No.9884344911) 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.

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.

WITNESS THE HON'BLE MR. JUSTICE SANJIB BANERJEE,
CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE
31ST DAY OF AUGUST 2021.

Sd/-

ASSISTANT REGISTRAR [O.S.II]

//Certified to be true copy//

Dated at Madras this the day of 2021.



ED

24.09.2021

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O.P.No.434 of 2021

ORDER

DATED: 31.08.2021

THE HON'BLE MR. JUSTICE
N.SATHISH KUMAR

FOR APPROVAL: 28.09.2021

APPROVED ON : 29.09.2021

Copy to:

Mr.E.Tamizharasan, Advocate,
Sole Arbitrator,
No.16/26, Vasudevapuram,
Ice House,
Triplicane,
Chennai – 600 005.
(Mobile No.9884344911)



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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 31.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

O.P.No.434 of 2021

M/s.Samunnati Agro Solutions Pvt. Ltd.,
Registered Office at Baid Hi Tech Park,
8th Floor, No.129-B, East Coast Road,
Thiruvanniyur, Chennai- 600041
Represented by its Senior Manager
Mr.D.Vijayakarathi

. . . Petitioner

Versus

1.M/s.G.K.Veg Restaurant
Represented by its PartnershipMr.Karunakaran
Mr.K.Gunasekaran
No.32, Gandhi Street,
Chitalapakkam, Sanatorium, Chennai – 600 064

2.Mr.Karunakaran
Partner
M/s.G.K.Veg Restaurant

3.Ms.G.Geethalakshmi
Partner
M/s.G.K.Veg Restaurant

. . . Respondents

PRAYER : Petition filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 to appoint a Sole Arbitrator as provided under Clause 13 of the Sourcing and Distribution Agreement dated 25.01.2018 to adjudicate upon the differences and disputes between the parties under the said agreement dated 25.01.2018.



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R3 set exparte.

ORDER

This original petition has been filed to appoint a Sole Arbitrator as provided under Clause 13 of the Sourcing and Distribution Agreement dated 25.01.2018 to adjudicate upon the differences and disputes between the parties under the said agreement dated 25.01.2018.

2. Heard the learned counsel for the petitioner. Despite service of notice to the respondents No.1 and 2 and their names being printed in the cause list, there is no appearance on behalf of them.

3. By order of this Court dated 07.07.2021, third respondent was set *ex parte*.

4. As dispute arose in the Sourcing and Distribution Agreement dated 25.01.2018 entered between the parties, this petition has been filed for appointment of a Sole Arbitrator. The parties are governed by the Sourcing and Distribution Agreement entered between the parties and Clause 13 of the Agreement provides for reference to the Arbitrator.

Clause 13 of the Agreement reads as under:



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Law

13.1. This Agreement shall be governed by the laws of India.

13.2. The parties agree to use all reasonable efforts to resolve any dispute, controversy, claim or disagreement of any kind whatsoever between or among the Parties in connection with or arising out of this Agreement, including any question regarding its existence, validity or termination (“**Dispute**”); expediently and amicably to achieve timely and full performance of the terms of this Agreement.

13.3. Any Party which claims that a Dispute has arisen must give Notice thereof to the other Party as soon as participate after the occurrence of the event, matter or thing which is the subject of such Dispute and in such Notice such Party shall provide particulars of the circumstances and nature of such Dispute and of its claim(s) in relation thereto and shall designate a Person as its representative for negotiations relating to the Dispute, which Person shall have authority to settle the Dispute.

13.4. The aforesaid designated representatives shall use all reasonable endeavours including by engaging in discussions and negotiations to settle the Dispute within thirty (30) Business Days after receipt of the particulars of the Dispute.

13.5. If the Dispute is not resolved within



the thirty(30) Business Days period, the Dispute shall be referred to and finally resolved by arbitration in accordance with Indian Arbitration and Conciliation Act, 1996. The number of arbitrators shall be one (1) to be jointly appointed by the Parties.

13.6. The venue and seat of arbitration shall be Chennai. The language to be used in the arbitral proceedings shall be English.

13.7. The fees of the arbitrators shall be borne equally by the Parties. All other costs and expenses of the arbitration shall be borne by the Parties as the arbitrator may award.

13.8. Any award passed by the arbitral tribunal shall be final and binding on the parties.

13.9. Subject to Clauses 13.5 to 13.8, each Party submits to the exclusive jurisdiction of the courts of Chennai.”

5.Considering the fact that there is an arbitration clause in the agreement, this Court is inclined to appoint Mr.E.Tamizharasan as a Sole Arbitrator.

6. Accordingly, this original petition is ordered as follows:

i] that Mr.E.Tamizharasan residing at No.16/26, Vasudevapuram, Ice House, Triplicane, Chennai– 600 005, Mobile No.9884344911 is



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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.

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.

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

Sd./-N.S.K.J.,
31.08.2021

//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.