



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY THE 26TH DAY OF AUGUST, 2021

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

O.P.NO.322 OF 2020

In the Matter of Arbitration &
Conciliation Act, 1996

And

In the Matter of The Loan
Agreement dated 28.03.2016
Between Tata Capital Financial
Services Ltd.,

And

Sree Shenbaha Vinayagar
Timber Depot & Others

1. Sree Shenbaga Vinayaka Timber Depot,
Rep. by its Partner N.Jayaganesan
No.27, Rajaji Road,
West Tambaram,
Chennai – 600 045.

2. M/s.P.S.A.Nataraja Nadar & Co.,
Rep. by its Partner N.Jayaganesan,
No.27, Rajaji Road,
West Tambaram,
Chennai – 600 045.

3. N.Jayaganesan,
S/o.late.Nataraja Nadar,

4. J.Umadevi,
W/o.N.Jayaganesan,

3 & 4 are residing at:

No.10, Ramakrishna Iyer Street,
West Tambaram, Chennai – 600 045.

...Petitioners



Vs

WEB COPY

1. Tata Capital Financial Services Limited.,
No.6-A, Dr.Ambedkar Salai,
Kodambakkam,
Chennai – 600 024.
2. Tata Capital Financial Services Limited.,
Tower A, 11th Floor,
Peninsula Business Park,
Ganapatraokadam Marg,
Lower Parel, Mumbai – 400 013.
3. Noshir F.Kumana,
Sole Arbitrator,
212-A & 213-A, Commerce House,
2nd Floor, Nagindas Master Road,
Fort, Mumbai – 400 023.

...Respondents

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

(i) Terminate the mandate of the arbitrator/3rd Respondent in the arbitration proceedings pursuant to a Loan Agreement No.5871756 dated 28.03.2016 between the Petitioners and the Respondents 1 and 2 and to appoint a sole arbitrator to adjudicate upon the disputes between the Petitioners and the Respondent;

(ii) Award costs in favour of the Petitioners;

This Original Petition is coming on this day before this court for hearing in the presence of Mr.V.Karthikeyan, Advocate for the petitioner



respondents herein and upon reading the petition filed herein and **it is**

ordered as follows:-

(i) That the Original Petition No.322 of 2020 be and hereby is dismissed as infructuous.

(ii) That there shall be no order as to costs in this original petition.

WITNESS THE HON'BLE MR. JUSTICE SANJIB BANERJEE,
CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS
THE 26TH DAY OF AUGUST 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.



VSP
07/10/2021
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O.P.No.322 of 2020

ORDER

DATED :26.08.2021

THE HON'BLE MR. JUSTICE
N.SATHISH KUMAR

FOR APPROVAL: 18/10/2021

APPROVED ON: 22/10/2021



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.8.2021

CORAM :

THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR

O.P.No.322 of 2020

1. Sree Shenbaga Vinayaka Timber Depot
Rep. by its Partner N.Jayaganesan

2. P.S.A.Nataraja Nadar & Co.,
Rep. by its Partner N.Jayaganesan

3. N.Jayaganesan

4. J.Umadevi

... Petitioners

Vs.

1. Tata Capital Financial Services Ltd.,
No.6-A, Dr.Ambedkar Salai,
Kodambakkam, Chennai-24.

2. Tata Capital Financial Services Ltd.,
Tower A, 11th Floor, Peninsula Business Park,
Ganapatraokadam Marg, Lower Parel,
Mumbai 400 013.

3. Noshir F.Kumana
Sole Arbitrator,
212-A & 213-A, Commerce House,
2nd Floor, Nagindas Master Road,
Fort, Mumbai – 400 023.

...Respondents

PRAYER : Petition filed under Section 14 of the Arbitration and
Conciliation Act, 1996 read with Sec.11(4) of the Arbitration and Conciliation



arbitration proceedings pursuant to a loan agreement No.5871756, dated 28.3.2016 between the petitioners and the respondents 1 and 2 and to appoint a sole arbitrator to adjudicate the disputes between the petitioners and the respondent.

For Petitioner : Mr.V.Karthikeyan

For Respondents 1 & 2 : Mr.M.Arunachalam

ORDER

Counsel appearing for both sides submitted that the application filed along with the Original petition has been disposed of by this Court and consequently, nothing survives in the original petition.

Recording the said submission, the original petition is dismissed as infructuous. No costs.

Sd./-N.S.K.J
26.8.2021

//Certified to be true copy//
Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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