

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

WEDNESDAY, THE 20TH DAY OF OCTOBER 2021

THE HON'BLE MR. JUSTICE N.SATHISH KUMAR

Arb.Appln.Nos. 88 and 89 of 2021

In the matter of Section 9 of the
Arbitration & Conciliation Act, 1996

And

In the matter of Distributor Agreement
Dated 08-09-2015 between M/s.
Hatsun Agro Product Limited and
Mr. A. Biji

M/s. Hatsun Agro Product Ltd.,
No.5A, Vijayarajava Road, T.Nagar,
Chennai – 600 017.
Having registered office at
No.1/20-A, Rajiv Gandhi Salai (OMR),
Karpakkam, Chennai – 600 097.
And also carrying on its business at
Old No.AD-83/New No.AD13,
Anna Nagar, Opp. IOB Towers Branch,
Chennai – 600 040.

... Applicant
(in both applications)

-Vs-

A. Biju,
Residing at No.5/98, Arasakulam,
Thengapattam Post, Kanyakumari – 623 713
Proprietor / Managing Partner of
M/s. SALEENA MILK AGENCY
Having office at Old No.5/52C,
New No.5/44, Panlincavilai,
Near IOB, Pudukadai,
Kanyakumari District – 629 179.

... Respondent
(in both applications)

Arb.Appln.No.88 of 2021

Arbitration Application praying that this Hon'ble Court be pleased to appoint an Advocate Commissioner to break open the Respondent's premises along with police protection and take possession of the assets as mentioned in the schedule and hand over the same to the Applicant.

Arb.Appln.No.89 of 2021

Arbitration Application praying that this Hon'ble Court be pleased to direct the respondents to handover the possession of the premises along with Company ASSETS as mentioned in the Schedule and all related documents in terms of the Distributor Agreement dated 13-01-2021.

These Arbitration Applications coming on this day before this court for hearing in the presence of M/s. Reshmi Christy for M/s. Royan Law Associates advocates for the Applicant in both applications and Mr.B.Ram Prasath advocate for the Respondent in both applications and upon reading the Judges Summon and Affidavit of Rajesh.R filed in Arb.Appln.Nos.88 and 89 of 2021 and **it is ordered as follows:-**

That Mr.D.Balaraman, Advocate, No.25 A, Karpagambal Nagar, Mylapore, Chennai – 600 004 (Ph.No.9840096758) 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 be paid fees and other incidental charges, fixed by him and the same shall be borne by the parties equally.

4) That both parties hereto shall bear their own costs.

5) That the parties hereto shall be at liberty to seek any interim relief under Section 17 of the Act before the learned Arbitrator appointed herein.

WITNESS THE HON'BLE MR. JUSTICE SANJIB BANERJEE,
CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE
20TH DAY OCTOBER 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
12.11.2021

Arb.Appln.Nos.88 & 89 of 2021

ORDER

DATED: 20.10.2021

THE HON'BLE MR. JUSTICE
N.SATHISH KUMAR

FOR APPROVAL: 15/11/2021

APPROVED ON : 16/11/2021

Copy to:

Mr.D.Balaraman,
Advocate,
Sole Arbitrator,
No.25A, Karpagambal Nagar,
Mylapore, Chennai – 600 004.
(Ph.No.9840096758)

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Arbitration Application praying that this Hon'ble Court be pleased to appoint an Advocate Commissioner to break open the Respondent's premises along with police protection and take possession of the assets as mentioned in the schedule and hand over the same to the Applicant.

Arb.Appln.No.89 of 2021

Arbitration Application praying that this Hon'ble Court be pleased to direct the respondents to handover the possession of the premises along with Company ASSETS as mentioned in the Schedule and all related documents in terms of the Distributor Agreement dated 13-01-2021.

This Applications coming on this day before this court for hearing,
the court made the following order:-

Arbitration Application No.88 of 2021 has been filed to appoint an Advocate Commissioner to break open the respondent's premises along with Police protection and take possession of the assets as mentioned in the Schedule and handover the same to the applicant.

2. Arbitration Application No.89 of 2021 has been filed to direct the respondent to handover the possession of the premises along with Company assets as mentioned in the Schedule and all related documents in terms of the Distributor Agreement dated 13/1/2021.

3. Heard Ms.Reshmi Christy for M/s.Royan Law Associates, learned counsel for the applicant and Mr.B.Ram Prasath, learned counsel for the respondent.

4. Though these petitions have been filed for interim measures, both sides have no objection to appoint Mr.D.Balaraman, Advocate, as a sole Arbitrator to arbitrate the dispute between the parties.

5. As both parties are agreed to go for Arbitration, this Court is inclined to order as follows:

i) Mr.D.Balaraman, Advocate, No.25 A,
Karpagambal Nagar, Mylapore, Chennai 600 004
(Ph.No.9840096758) is appointed as a Sole 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, pass an award as expeditiously as possible, preferably within a period of six months from the date of receipt of the Order.

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

6. These Arbitration Applications are ordered accordingly, leaving the parties to bear their own costs. It is well open to the parties to seek any interim relief under Section 17 of the Act before the learned Arbitrator.

Sd./-N.S.K.J.,
20.10.2021

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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