

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

MONDAY, THE 25TH DAY OF OCTOBER 2021

THE HON'BLE MR. JUSTICE N.SATHISH KUMAR

Arb.Appln. Nos.107 and 108 of 2021

In the matter of Arbitration and
Conciliation Act of 1996

And

Arising out of Trade Facilitation
Agreement dated 03.05.2019 Between
the Applicants and Respondents

Samunnati Agro Solutions Pvt. Ltd.,
Represented by its Head of Stressed Accounts,
Sankaranarayana Sarma,
Having Office at Baid Hi Tech Park,
8th Floor, No.129 B East Coast Road,
Thiruvannamiyur, Chennai – 600 041.

... Applicant

-Vs-

1. Mr. Sreenivasa Bhat
Memana House,
1X/50 Kannamaly PO,
Challanam, Ernakulam,
Kerala – 682 008.

2. Mrs. Veena S Bhat
1X/50, Kannamaly PO,
Challanam, Ernakulam,
Kerala – 682 008.

3. Mr. U.J. Narayanan,
26/33, Flat No.E4, Tapasya Apartment,
Civil Lane, Ayyanthole,
Thrissur, Kerala – 680 003.

... Respondents

Arb.Appln.No.107 of 2021

Arbitration Application praying that this Hon'ble Court be pleased to grant an order of INTERIM DIRECTION to the Respondents to disclose on oath all their movable and immovable assets before this Hon'ble Court.

Arb.Appln.No.108 of 2021

Arbitration Application praying that this Hon'ble Court be pleased to grant an order of INTERIM DIRECTION to the Respondents to deposit a sum of Rs.2,11,46,696/- Lakhs (Rupees Two Crore Eleven Lakhs and Forty Six Thousand Six Hundred and Ninety Six only) deposit before this Hon'ble court and/or furnish security to the extent of the total claim of Rs.2,11,46,696/- lakhs (Rupees Two Crore Eleven Lakhs and Forty Six Thousand Six Hundred and Ninety Six only).

These Arbitration Applications coming on this day before this court for hearing in the presence of Mr.Vaibhav Rangarajan, advocate for the applicant in both applications and Mr.B.Ramanakumar, advocate for the 1st & 2nd Respondents in both applications and upon reading the Judges Summons and Affidavit of Sankaranarayana Sarma, filed in Arb Appln.Nos.107 & 108 of 2021 and the learned counsel appearing for the

applicant and the respondents having submitted that as per clause 9 of the Deed of Personal Guarantee deed dated 03.05.2019, both and parties are agreed to refer the dispute before the Arbitrator and hence, they seek for appointment of an Arbitrator to enter upon the reference and to adjudicate the same and **it is ordered as follows:-**

That the Hon'ble Mr. Justice R.S.Ramanathan (Retd.), Former Judge, Madras High Court, "Parijatham", Old No.4132, New No.15, Rajagopalan Street, Valmiki Nagar, Thiruvannamiyur, Chennai – 600 041. (Mobile No.9444222391, 9445022424) 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
25TH DAY OF OCTOBER 2021.

Sd/-
ASSISTANT REGISTRAR (Comm.Cases)

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

COURT OFFICER(O.S.)
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ED
12.11.2021

Arb Appln.Nos.107 & 108 of 2021

ORDER

DATED: 25.10.2021

THE HON'BLE MR. JUSTICE
N.SATHISH KUMAR

FOR APPROVAL: 12/11/2021

APPROVED ON : 15/11/2021

Copy to:

The Hon'ble Mr.Justice R.S.Ramanathan,
[Retd.] Former Judge,
High Court, Madras, Sole Arbitrator,
“Parijatham”, Old No.4132,
New No.15, Rajagopalan Street,
Valmiki Nagar,
Thiruvannamiyur,
Chennai – 600 041.
Mobile No.9444222391
9445022424

(With covering Letter)

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... Applicant

-Vs-

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

Both the applications have been filed, as an interim measure, seeking direction to the respondents to deposit a sum of Rs.2,11,46,696/- or furnish security to the extent of the above said sum; and also to disclose the movable and immovable assets of the respondents.

2. The learned counsel appearing for the applicant and the respondents submitted that as per clause 9 of the Deed of Personal Guarantee deed dated 03.05.2019, both the parties are agreed to refer the dispute before the Arbitrator and hence, they seek for appointment of an Arbitrator to enter upon the reference and to adjudicate the same.

3. Both the counsels made their consent to appoint Hon'ble Mr.Justice.R.S.Ramanathan (Retd.) as Sole Arbitrator.

4. Accordingly, it is ordered as follows.

i) That Hon'ble Mr.Justice R.S.Ramanathan (Retd.), Former Judge, Madras High Court, "Parijatham", Old No.4132, New No.15, Rajagopalan Steet, Valmiki Nagar, Thiruvanmiyur, Chennai 600 0041, Mobile No.9444222391, 9445022424 is appointed as a Sole Arbitrator to enter upon reference 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.

5. The Arbitration applications are ordered accordingly, leaving the parties to bear their own costs.

Sd./-N.S.K.J.,
25.10.2021

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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