

THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 24.06.2021

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

O.P.No. 399 of 2020

M/s.Samunnati Financial Intermediation Services
Private Limited,

Represented by its Senior Manager and
Authorised Signatory,
Mr.D.Vijayakarthis having its registered
office at Baid Hitech Park,
129-B, 8th Floor, ECR, Thiruvananthapuram,
Chennai – 600 041.

... Petitioner

Versus

M/s.GHO Agro Private Limited,
Represented by its Managing Director, Mr.Vimalraj Chordia,
Registered Office at New No.10, Old No.122, Second Floor,
P S Sivaswamay Salai, St.Ebba's Avenue, Mylapore, Chennai 600004.

Also at:

M/s.GHO Agro Private Limited,
Represented by its Managing Director,
Mr.Vimalraj Chordia,
Old No.80, New No.18, Bazullah Road,
facing Arulambal Street, T.Nagar, Chennai – 600 017

... Respondent

PRAYER : Petition filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 to appoint a Sole Arbitrator to adjudicate the dispute between the petitioner and respondent arising out of the Deed of Hypothecation dated 24.09.2019.

For Petitioner : Mr.V.V.Sivakumar
for DUA Associates

For Respondent : Mr.G.Kalyan Jhabakh
for M/s.Surana and Surana

ORDER

Today the matter is taken up for hearing to change the Arbitrator, mainly on the ground that Mr.P.Ganesan, Retired District Judge (Mobile Nos.9600045571, 9600045570) is expressing his inability due to his ill-health and sent a letter dated 16.06.2021 to this Court.

2. Learned counsel for the petitioner submitted that the entire fees of the learned Arbitrator has been paid and the same shall be returned since the arbitration proceedings has not commenced.

3. In view of the above, Mr.P.J.Rishikesh, Advocate residing at No.10A, 14th Avenue, Harington Road, Chetpet, Chennai – 600 031 Mobile Nos.9841188677, 9845554313 is appointed as a Sole Arbitrator to enter upon reference and adjudicate the matter.

4. 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.

5. 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.

6. Learned Retired District Judge is requested to return all the papers to Mr.P.J.Rishikesh, Advocate.

7. Arbitration proceedings shall be commenced from the stage where left by the presiding Arbitrator and it should be completed within a period of six months.

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8. Though entire fees has been paid by the petitioner, the arbitration has not commenced the arbitration except for filing the paper. Hence, the learned

Arbitrator is requested to return a sum of Rs.2,00,000/- out of the entire amount of Rs.2,85,000/- to the petitioner.

24.06.2021

msv

To

1.Mr.P.J.Rishikesh,
Advocate,
No.10A, 14th Avenue,
Harington Road, Chetpet,
Chennai – 600 031
Mobile Nos.9841188677, 9845554313

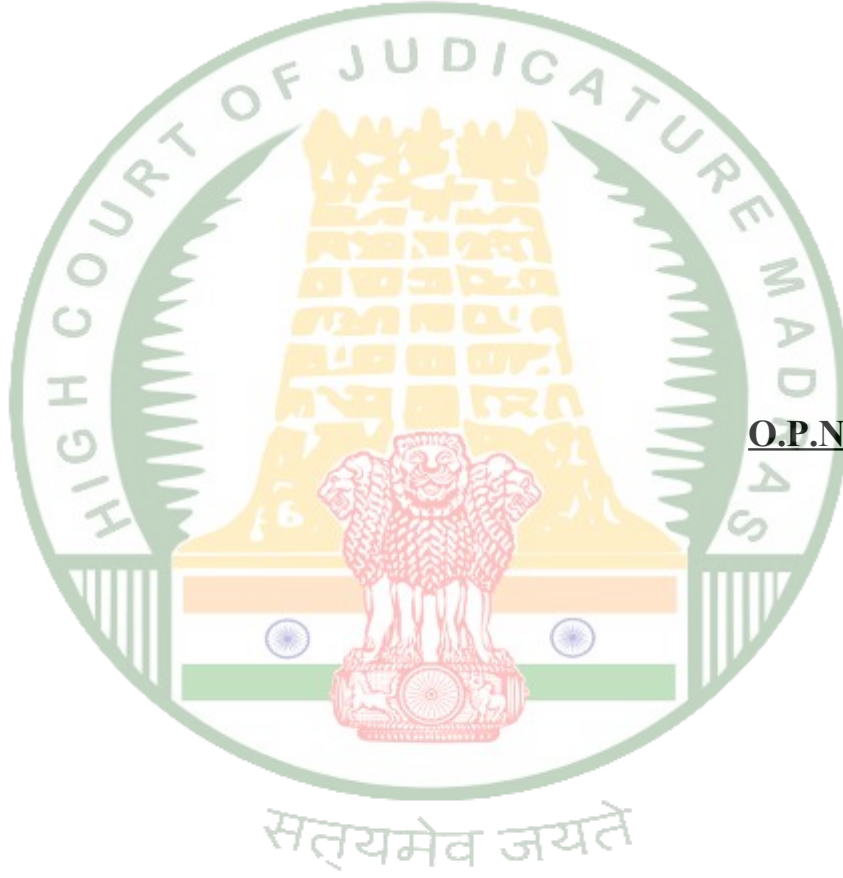
2.Mr.P.Ganesan
Retired District Judge,
No.778, Judges Colony,
Kakithapuram 4th Street,
S.Kolathur, Kovilambakkam,
Chennai-600117.
Mobile Nos.9600045571, 9600045570



O.P.No. 399 of 2020

N. SATHISH KUMAR, J.

msv



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