

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.02.2021

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

O.P.No.520 of 2020

Team Commotrade India Private Limited
represented by its Director – Mr.Harish Kumar,
Administrative Office at No.2A,
Price Apartments,
18/59, Ormes Road,
Kilpauk, Chennai – 600 010.

... Petitioner

Vs.

Abhimanyu Dhinda

... Respondent

Prayer: Petition filed under Section 11 (6) of the Arbitration and Conciliation Act, 1996 read with clause 5 of the appointment of Arbitrator's scheme by the Chief Justice of Madras High Court's Scheme, 1996, to appoint an arbitrator and an umpire, if necessary for the respondent in terms of Letter of Intent dated 24.09.2018 entered for the purpose of marketing and selling Rotavator Tractors, Dryers, Transplanters and Harvesters supplied by the petitioner and to adjudicate the disputes between the petitioner and the respondent.

For Petitioner : Mr.Jayesh B Dolia

For Respondent : Set ex parte

ORDER

The respondent has been served on 10.12.2020 and he had also requested the learned counsel for the petitioner to seek time as he was unable to appear before the Court, vide his e-mail dated 09.12.2020. Thereafter, when the matter was listed on 21.12.2020, he did not appear and the matter was adjourned to 28.01.2020. Once again there was no representation and the matter was directed to be listed on 02.02.2021.

2. Today, when the matter was listed there is no representation on behalf of the respondent. The respondent is set ex parte.

3. Under the terms of the agreement, clause 17, the parties had decided to refer the disputes to arbitral tribunal consisting of three persons, two each to be appointed by the parties and the two arbitrators together to

appoint the third arbitrator. In their legal notice dated 12.09.2020 the petitioner had appointed Mrs. Justice K.B.K.Vasuki, retired Justice of this Court as their arbitrator.

4. Considering the fact that the arbitral tribunal should consist of three persons, this Court is passing the following order:

i) Hon'ble Mr.Justice K.Govindarajan (Retd), Former Judge, Madras High Court, No.5, Justice Ramanujam Road, Malaviya Avenue, Shastri Nagar, Chennai – 600 041, Ph – 044 24523403, Mob: 9444403403, is appointed to act as an Arbitrator of the respondent.

ii) The two Arbitrators shall in turn nominate the third Arbitrator.

iii) The arbitral Tribunal may, 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. It is open to the respondent to raise all legal objections as to the validity of contract.

iv) The arbitral Tribunal is at liberty to fix the remuneration and other incidental expenses as per law.

v) The proceedings may be conducted under the aegis of the Madras High Court Arbitration Centre and in accordance with the Madras High Court Arbitration Rules.

5. The Original Petition is, accordingly, ordered, leaving the parties to bear their own costs. No costs.

02.02.2021

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