

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 18.01.2021

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

O.P.No.591 of 2020

&

A.No.3063 of 2020

1.Kalisetti Venkateswarlu. J

2.Kalisetty Narasamma

3.Venati Vijaya Reddy V

... Petitioners

Vs.

1.M/s.Daimler Financial Services Private Limited,
Rep. by its Authorised Representatives,
Having its Registered office at,
Tek Meadows Campus, 1st Floor, Unit # 1,
Block B, No.51, Rajiv Gandhi Salai, Sholinganallur,
OMR, Chennai – 600 119.

2.K.Mohan

... Respondents

Prayer: The Petition is filed under Section 14 (2) of the Arbitration and Conciliation Act, 1996 to terminate the mandate of the Arbitrator / 2nd

respondent and substitute him with a sole arbitrator on behalf of the parties to resolve the dispute in terms of the Loan Agreement dated 30.09.2017 between the petitioners and the first respondent.

For Petitioner : Mr.K.V.Karthik Subramanian

For Respondent 1 : Mr.Ashokparthy
for M/s. Pass Associates

ORDER

The above petition is filed for terminating the mandate of the arbitrator who has been arrayed as the 2nd respondent and to substitute him with a sole arbitrator.

2. The petitioners have sought to terminate the mandate of the 2nd respondent since he has been appointed without notice under Section 21 of the Arbitration and Conciliation Act, been issued. Therefore, the petitioners would contend that his appointment is non-est in the eyes of law.

3. When the matter was listed today, both the parties agreed that the petition may be allowed and have consented to have Mr. Thriyambak J.Kannan, Advocate as a sole arbitrator in the above matter.

4. In the light of the above circumstances this Court is passing the following order:

i) Mr. Thriyambak J.Kannan, Advocate, 156/2005, First Floor, 119, Dr.Radhakrishnan Salai, Mylapore, Chennai – 600 004, Mob:98846 24563, is appointed as an Arbitrator.

ii) The arbitrator 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 entering reference. It is open to the 1st respondent to raise all legal objections as to the validity of contract.

iii) The arbitrator is at liberty to fix the remuneration and other incidental expenses as per law.

iv) 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 allowed leaving the parties to bear their own costs. In the light of the arbitrator been appointed there is nothing for consideration in the above application. The application is closed. No costs.

18.01.2021

Internet : Yes/No
Index : Yes/No
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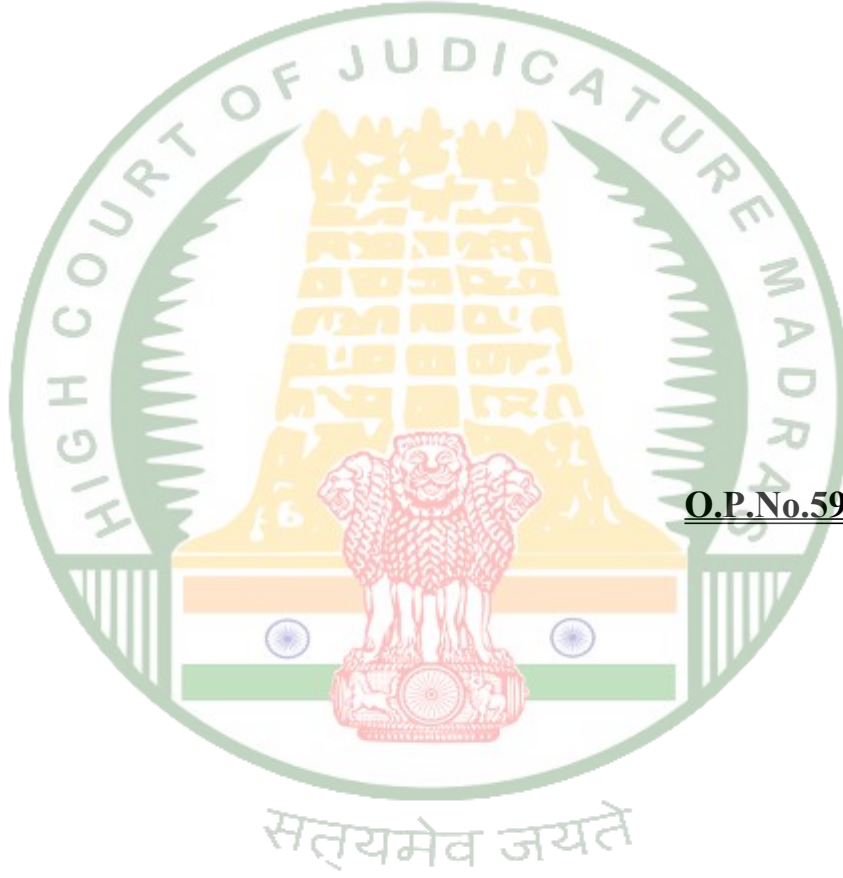
Copy to:

Mr. Thriyambak J.Kannan, Advocate,
First Floor, 119,
Dr.Radhakrishnan Salai,
Mylapore, Chennai – 600 004,

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P.T. ASHA. J.

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