

Application No. 3806 of 2021
in O.P. No. 572 of 2020

N.SATHISH KUMAR, J.

This application has been filed to recall the order dated 08.07.2021 passed in the original petition in O.P.No.572 of 2020, appointing an Arbitrator.

2. The main contention of the applicant is that the Original Petition has been filed in the name of " True Sai Motors Private Limited", however, there is no such entity existence. Further, the authorised signatory of the above original petition, is not an authorised person to file the same, since, a resolution passed by the Directors of the Company " True Sai Works (P) Ltd.", authorising Mr.S.E.Palanivel, has been filed along with the above original petition. Therefore, the order passed in the original petition has to be recalled.

3. It is to be noted that in the above original petition, Arbitrator has already been appointed by this court. Further, the applicant has raised objections, as to the admissibility of the document, for the first time in this

application. When the present application is filed under Section 11(6) of the Arbitration and Conciliation Act, no such objections can be made by the applicant. As the parties are governed by the contract, all the objections can be looked into by the learned Arbitrator appointed by this court and "Whether such company is existence and registered under the Companies Act?" also can be gone into by the learned Arbitrator. Therefore, this court is of the view that this application is nothing but, one more attempt to drag the proceedings.

4. Accordingly, this application is dismissed by granting liberty to the applicant to raise all the objections before the Arbitrator.

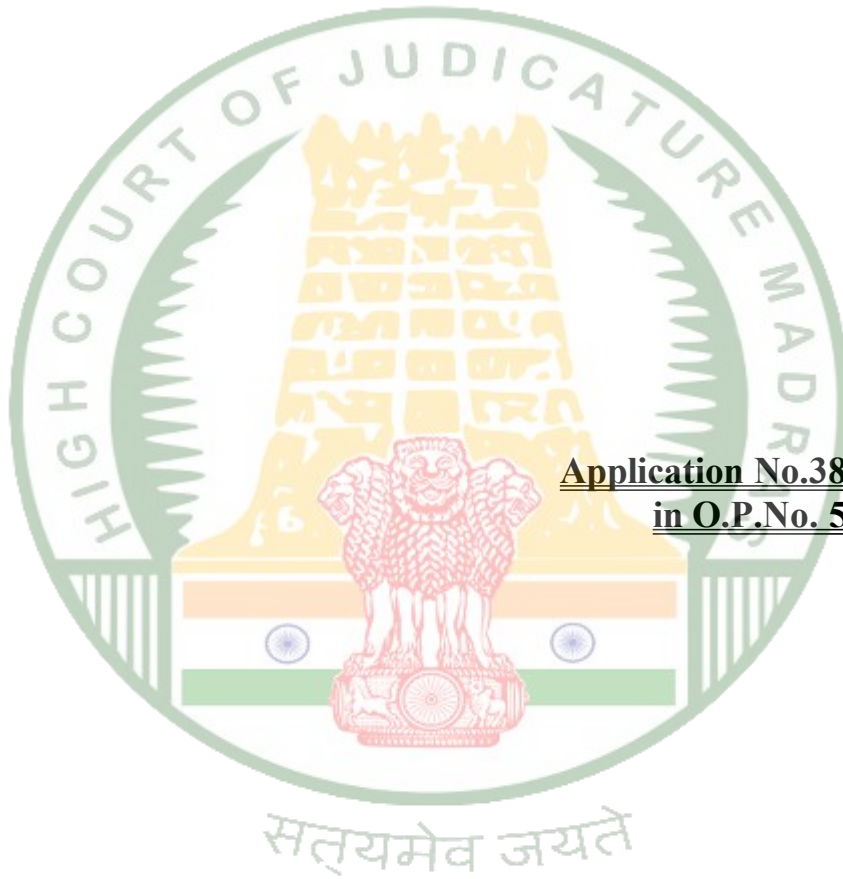
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N.SATHISH KUMAR, J.

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Application No.3806 of 2021
in O.P.No. 572 of 2020

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