

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.02.2021

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

O.P.No.629 of 2020

TVS Motor Company Limited,
Regd. Off. At “Chaitanya”, No.12,
Khader Nawaz Khan Road,
Nungambakkam,
Chennai – 600 006

... Petitioner

Vs.

1.M/s.Shlok Enterprises,
United Compled,
Shop Nos. 5 and 6, Ghatt No.85,
Bed Bypass,
Aurangabad – 431 136

2.Mr.Subas Chaudhari

3.Mr.Kiran Keluskar

... Respondents

Prayer: The Petition is filed under Section 11 (6) (a) of the Arbitration and Conciliation Act, 1996 to appoint an arbitrator from the panel of nominees suggested by the petitioner to the respondents vide Notice dated 24.08.2020 and 12.10.2020, in accordance with Clause 26 of the Letter of Offer / Agreement dated 27.09.2017 or such other person as deemed fit by this Court to adjudicate upon the disputes that have arisen between the parties in relation to the agreement as outlined in the notices dated 28.04.2020 and 24.08.2020.

For Petitioner : Ms.Madhupha Elango Mah

For Respondents : Mr.Elizabeth Ravi

ORDER

The above petition is filed for appointing an arbitrator since dispute had arisen between the parties in respect of the Letter of Offer dated 27.09.2017 entered into between the petitioner and the respondents. The petitioner would contend that a sum of Rs.1,10,45,223/- is outstanding from the respondents towards the supplies made by the petitioner to the respondents.

2. To the legal notice dated 28.04.2020 calling upon the respondents to repay the said sum the respondents have sent a reply making unsubstantiated allegations. The petitioner, therefore sent a registered letter dated 24.08.2020 invoking the arbitral clause and naming three arbitrators. The respondents did not sent a reply to the above notice. Hence, the petitioner has come forward with the above petition.

3.The respondents on entering appearance has filed their counter denying the statements made by the petitioner in their petitioner. Ultimately, the respondents have stated that they were agreeable for appointing the Hon'ble Mr.Justice K.P.Subramanian (Retd.) as the arbitrator. However, Hon'ble Mr.Justice K.P.Subramanian (Retd.) has expressed his inability to act as an arbitrator. Therefore, I hereby appoint Mr.A.K.Kumarasamy, Senior Advocate, No.1, Anna1 Nagammai Street, Raja Annamalaipuram, Chennai – 600028, Mob:94452 96480, as the Arbitrator.

i) 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 respondent to raise all legal objections as to the validity of contract.

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

iii) 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.

4. The Original Petition is ordered leaving the parties to bear their own costs. No costs.

23.02.2021

Internet : Yes/No
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P.T. ASHA. J.

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