

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

FRIDAY, THE 11TH DAY OF FEBRUARY 2022

THE HON'BLE MR. JUSTICE M.SUNDAR

ARB .O.P(COM.DIV.) No.54 of 2022

In the matter of Arbitration
and Conciliation Act, 1996
and
In the matter of Contract for
Provision of Helicopter Services
being Contract No.B80C20A0020
dated November 15, 2019 executed
between Hindustan Oil Exploration
Company Limited and Heligo
Charters Private Limited

HELIGO CHARTERS PRIVATE LIMITED,
A COMPANY INCORPORATED
UNDER THE COMPANIES ACT, 1956
THROUGH ITS AUTHORISED REPRESENTATIVE
MR.UDAY DESHMUKH
Having its registered address at
Hanger No.3A, Juhu Airport, S.V.Road,
Vile Parle - West,
Mumbai 400056.

..Petitioner

-Vs-

HINDUSTAN OIL EXPLORATION COMPANY LIMITED,
A Company incorporated under the Companies Act, 1956,
Having its registered office at HOEC House,
Tandalja Road, Vadodara 390021.
And its Corporate office at Lakshmi Chambers,
192, St.Mary's Road, Alwarpet,
Chennai – 600018.

..Respondent

Arbitration Original Petition (Commercial Division) praying that this Hon'ble Court be pleased to appoint an arbitrator to adjudicate the dispute between the Petitioner and the Respondent in terms of Clause 31.1 of the Contract bearing No. B80C20A0020 dated November 15, 2019.

This Arbitration Original Petition (Commercial Division) coming on this day before this court for hearing the court made the following order:

Captioned 'arbitration original petition' [hereinafter 'said OP' for the sake of convenience] has been presented in this Court on 20.01.2022 under Section 11(6)(b) of 'The Arbitration and Conciliation Act, 1996 (Act 26 of 1996)', which shall hereinafter be referred to as 'A and C Act' for the sake of brevity.

2. In the virtual Court today, Mr.Bhavesb Parmer, learned counsel representing Mr.Rahul Gaikwad, learned counsel on record for the petitioner is before me. Learned counsel submits that the arbitration agreement between petitioner and respondent Company i.e., arbitration agreement within the meaning of Section 2(1)(b) read with Section 7 of A and C Act is in the form of a clause in a 'contract dated 15.11.2019 is captioned CONTRACT FOR PROVISION OF HELICOPTER SERVICES'

[hereinafter 'said contract' for the sake of convenience and clarity]. Learned counsel draws the attention of this Court to Clause 31 and more particularly 31.1 of said contract and submits that the same serves as an arbitration agreement between petitioner and respondent company.

3. Learned counsel submits that said contract ran into rough weather and turbulence resulting in a trigger notice dated 21.08.2021 from petitioner-Company. This evoked a reply dated 20.09.2021 from respondent is learned counsel's say.

4. Learned counsel submits that this is a case where the parties have agreed for procedure for appointment of arbitrators and it is a case where the appointment procedure has hit a deadlock. In this regard, learned counsel submits that petitioner and respondent have nominated respective arbitrators and the two nominated arbitrators have not been able to agree on the third arbitrator. It is pointed out that the arbitration agreement between the parties provides for arbitration by a three member 'Arbitral Tribunal' ['AT']. An electronic mail dated 13.12.2021 (Page No.79 of typed set of papers) is being referred to say that there is a deadlock.

5. Learned counsel also points out that the venue is Chennai and therefore, this is the Jurisdictional Court.

6. Arbitration clause, more particularly, Clause 31.1 of said contract refers to Indian Arbitration and Conciliation Act, 1996. This Court is informed that this is the typographical error and request is made to read the same as A and C Act.

7. Issue notice to respondent returnable in a fortnight i.e., returnable by 25.02.2022. Private notice permitted. Private notice through electronic modes of services (subject of course to proof being demonstrated) also permitted.

8. List on 25.02.2022.

Sd/.M.S.J.
11.02.2022

//Certified to be a true copy//

Dated at Madras this the day of 2022.

SU./15.02.2022

COURT OFFICER(O.S.)

From 25.09.2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.s