



A.No.1420,
in O.P.No.394 of 2021

A.No.1420 of 2022
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M.SUNDAR, J

Ms.N.S.Tanvi, learned counsel for the applicant and Mr.P.Suresh Srinivasan, learned counsel representing Mr.K.Moorthy, learned counsel on record for the lone respondent are before this Court.

2. Aforementioned two counsel submit in one voice that a sole Arbitrator was appointed by a Hon'ble single Judge of this Court in and by an order dated 14.07.2021 made in O.P.No.394 of 2021 which reads as follows:

O.P.No.394 of 2021

THE HIGH COURT OF JUDICATURE AT MADRAS

Date 14.07.2021

CORAM

THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

O.P.No.394 of 2021

M/s.Binary Talk Software Pvt. Ltd.,
114, 4th Floor, Kajubala Building,
Veer Savarkar Block Shalarpur,
Delhi - 110 092

Petitioner

Versus

M/s STC Skill [STC Technologies],
Kimbarley Towers, 6Y-222, 3rd Floor,
2nd Avenue, Anna Nagar,
Chennai - 600 040

Respondent

PRAYER : Petition filed under Order Section 11 [6] of Arbitration and Conciliation Act, 1996 to appoint a three member arbitral tribunal from the panel of Arbitration of this Court as per the provisions of Arbitration and Conciliation Act, 1996 and to adjudicate all disputes between the petitioner and the respondent and for costs.

For petitioner : Mr.Rizwan
for Ms. Anusha Peri

For respondent : Mr.P.Suresh Babu



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A.No.1420,
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ORDER

This application has been filed for appointment of an arbitrator in a dispute arose between the parties in respect Memorandum of Understanding entered between them on 30.11.2017.

2. The parties have entered into a memorandum of understanding dated 30.11.2017. Now it appears that dispute appears to have arose with regard to making of payment. As per Clause 17 of the Memorandum understanding, they have agreed to refer the dispute for arbitration.

3. Notice of invocation of arbitration has been sent to the respondent. As the parties are bound by the contract, the matter has to be referred to a sole arbitrator.

4. Accordingly, with the consent of both sides, it is ordered as follows:

i) that Mr.C.Mohan, Advocate, King and Patridge,
No.108, Armenian Street, Chennai- 600 001. Mobile
No.9840029865 is appointed as a Sole Arbitrator to enter
upon reference and adjudicate the matter.



A.No.1420,
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WEB COPY

O.P.No.394 of 2021

ii] That the learned Arbitrator appointed herein, shall 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.

iii] That the learned Sole Arbitrator appointed herein shall fix his fees and other incidental charges and the same shall be borne by the parties equally.

5. This Original application is ordered accordingly, leaving the parties to bear their own costs.

Index : Yes / No
Internet: Yes
Speaking/non speaking order

vrc

To
Mr.C.Mohan,
Advocate,
King and Partridge,
No.108, Armenian Street,
Chennai- 600 001.
Mobile No.9840029865

14.07.2021

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A.No.1420,
in O.P.No.394 of 2021

WEB COPY

3. Both learned counsel submit in one voice that though Hon'ble Judge has made an observation that it would be desirable to complete the arbitration proceedings in six months, the 'Arbitral Tribunal' ['AT'] constituted in the aforesaid manner is not one where the parties have opted for fast track procedure under Section 29B of 'the Arbitration and Conciliation Act, 1996 (Act No.26 of 1996)', which shall hereinafter be referred to as 'A and C Act' for the sake of convenience and clarity. It is also submitted by both sides that in deference to the order of Hon'ble Judge, the captioned application has now been moved.

4. In the light of narrative thus far and in the light of there being no disputation about the prayer for making the arbitral award qua AT, captioned application is ordered as prayed for. For the purpose of clarity it is mentioned with specificity that time limit qua Section 29A of A and C Act for the AT (AT appointed by this Hon'ble Court vide order dated 14.07.2021 made in O.P.No.394 of 2021) is extended till 14.08.2022.

5. Captioned application is ordered on above terms. There shall be no order as to costs.

18.04.2022

gpa/nsa



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