



WEB COPY



Arb.O.P (Com.Div.) No.226 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.06.2022

CORAM

THE HON'BLE MR. JUSTICE M.SUNDAR

Arb.O.P (Com.Div.) No.226 of 2022

M/s.Threpsi Solutions Private Limited

Registered office at:

217, 2nd Floor, Jhalwar Building

Patanwala compound, Near Shreyas

Ghatkopar, Mumbai, Maharashtra - 400 086

Represented by its Authorised Signatory Mr.Varun Mehta ... Petitioner

Vs.

1. Central Warehousing Corporation

Regional office at

No.4, North Avenue, Srinagar Colony

Saidapet, Chennai - 600 015

Represented by its Regional Manager

2. Sh.A.P.Mishra (Retd.) Sole Arbitrator

Member Engineering, Railway Board

Flat No.24, 2nd Floor, ASTER-1, Vatika City,

Sohna Road, Sector - 49

Gurgaon - 122 003

... Respondents

Arbitration Original Petition filed under Section 14(2) of the Arbitration and Conciliation Act, 1996 to terminate the mandate of the second respondent as sole Arbitrator assumed under order dated 05.05.2022



Arb.O.P (Com.Div.) No.226 of 2022

passed by the Managing Director of the 1st respondent in respect of the disputes arising out of the Authorization agreement dated 17.07.2020 between the petitioner and respondent and to direct the respondents to pay costs.

For Petitioner : Mr.S.Giritharan

For Respondents : Mr.R.Thirunavukarasu for R1

ORDER

Mr.S.Giritharan, learned counsel for petitioner and Mr.R.Thirunavukarasu, learned counsel for contesting first respondent are before this Court.

2. Aforementioned 'Arbitration Original Petition' ('Arb.OP' for the sake of brevity) has been filed *inter alia* under Section 14(2) of 'The Arbitration and Conciliation Act, 1996 (Act No.26 of 1996)' [hereinafter 'A and C Act' for the sake of convenience and clarity] with a prayer for termination of mandate of second respondent.

3. Captioned Arb.OP is predicated on unilateral appointment of an interested person argument. It may not be necessary to express any opinion on this argument as there is no disputation or disagreement about the



existence of arbitration agreement and that the arbitrable disputes have to be adjudicated upon.

4. Learned counsel on both sides submit in one voice that it may be desirable to have a former Hon'ble Member of the Bench of this Court to be appointed as sole Arbitrator considering the quantum of the claim and nature of the matter. This is the reason why this Court refrains itself from going into the plea on which the captioned Arb.OP is predicated. It is also made clear that this order will not be any reflection on the second respondent. It is only as a matter of good order and therefore, this order cannot be put against the second respondent in any manner. Owing to this and the nature of prayer, presence of second respondent is not imperative for disposal of captioned Arb.OP.

5. In the light of the narrative thus far, a short order will suffice. Hon'ble Mr.Justice N.Kirubakaran (Retd.), a former Judge of this Court, residing at No.36, 2nd Cross Street, Rayala Nagar, Ramapuram, Chennai – 600 089, Mob: 94450 25454, E-mail: justice.n.kirubakaran@gmail.com, is appointed as sole Arbitrator. Hon'ble Arbitrator is requested to enter upon reference qua agreement dated 17.07.2020 captioned 'AUTHORISATION



Arb.O.P (Com.Div.) No.226 of 2022

AGREEMENT FOR USE OF STORAGE SPACE ON DEDICATED

WAREHOUSING' between the petitioner and contesting first respondent, adjudicate upon the arbitrable disputes arising therefrom and make an award by holding sittings in the 'Madras High Court Arbitration Centre under the aegis of this Court' (MHCAC) in accordance with the Madras High Court Arbitration Proceedings Rules 2017 and fee of the Hon'ble Arbitrator shall be governed by the Madras High Court Arbitration Centre (MHCAC) (Administrative Cost and Arbitrator's Fees) Rules 2017.

6. Captioned Arb OP is disposed of in the aforesaid manner. There shall be no order as to costs.

22.06.2022

Index : No
gpa

Note:

The Registry is directed to communicate this order forthwith to

1. Hon'ble Mr.Justice N.Kirubakaran (Retd.,)
Former Judge of Madras High Court
No.36, 2nd Cross Street,
Rayala Nagar, Ramapuram,
Chennai – 600 089,
Mob: 94450 25454,
E-mail: justice.n.kirubakaran@gmail.com



Arb.O.P (Com.Div.) No.226 of 2022

2. The Director

WEB COPY
Tamil Nadu Mediation Conciliation Centre
-cum- Ex-Officio Member
Madras High Court Arbitration Centre
Chennai - 104.



WEB COPY



Arb.O.P (Com.Div.) No.226 of 2022

M.SUNDAR.J.,

gpa

Arb.O.P (Com.Div.) No.226 of 2022

22.06.2022