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IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

TUESDAY, THE 29TH DAY OF MARCH 2022

THE HON'BLE MR. JUSTICE M.SUNDAR

A.No.3995 of 2021

in

O.P.No.2 of 2021

In the matter of Section 14 of the
Arbitration and Conciliation Act,
1996

and

In the matter of disputes between
Ms.SP Consulting, Inc (SP TekS Inc)
an Illinois Corporation and M/s.Sys
Bass Inc.

MS.SP CONSULTING INC(SP TEKS, INC)
AS ILLINOIS CORPORATION,
REPRESENTED BY ITS DIRECTOR,
Mr.Satyanarayana Reddy Kandimalla,
44, Wood Oaks Drive,
South Barrington, IL 60010 USA,

Representing through his power agent
Mr.Elangovan V.S.M/A-63 years,
S/o. Sundararaju, No.16,
4th Cross Street,
Besant Nagar,
Chennai - 600 090

..Applicant/Petitioner



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PARIDAS GOVINDASAMY,
S/O. GOVINDASAMY,
residing at No.191, East Coast Road,
Uthandi (Near Uthandi Toll Gate)
Tamil Nadu - 600 119

and
also having office at No.3,
Thiruvalluvar Street,
Kaviya Garden Near ICICI Bank,
Porur, Chennai - 600 116

and having office at
M/s. Sys Bass Inc.,
1701 E, Woodfield Rd. Ste,
209, Schaumburg, IL, 60173

..Respondent/ Respondent

This applicaiton praying that this Hon'ble Court be pleased to set aside the order in O.P.No.2/2021 dated 26.08.2021 and restore the same.

This application coming on this day before this court for hearing the court made the following order:

Captioned application has been taken out by the petitioner in the main OP (O.P.No.2 of 2021) with a prayer to set aside an order dated 26.08.2021 made in the main OP.

2. To be noted, main OP was dismissed for default on 26.08.2021 as there was no representation for both sides. It is also to be noted that main OP has been taken out *inter alia* under Section 14 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 brevity with a prayer for



termination of mandate of Arbitrator.

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3. In the captioned application, though no reason for non-appearance has been set out with specificity, Mr.D.Balamurali, learned counsel for applicant adverting to Paragraphs 3 and 4 submits that he could not represent the matter before learned Master on 16.08.2021 owing to the pandemic and consequent lock down (Covid-19 situation). Be that as it may, respondent in the captioned application (respondent in main OP also) has not chosen to come before this Court to oppose the set aside prayer in spite of ample and adequate opportunities being given. This is captured *inter alia* in earlier proceedings of this Court made in the listing on 21.03.2022, which reads as follows:

'Mr.D.Balamurali, learned counsel for applicant / petitioner is before this Court. Adverting to earlier proceedings, learned counsel submits that respondent/respondent has not chosen to come before this Court or enter appearance through a counsel in spite of multiple opportunities being given. However, with the intention of giving one more opportunity to the respondent, Registry to list this matter again after one week.

2. List on 29.03.2022.'

4. The position is no different today. In other words, the

respondent has not chosen to come before this Court to oppose the prayer in

the captioned application.



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5. This Court, having heard learned counsel for applicant, having perused the support affidavit and being convinced that the prayer is innocuous (as acceding to the prayer would only ensure that the main OP is heard out on merits), is inclined to accede to the prayer in the captioned application.

6. Captioned application ordered as prayed for. Consequently, order dated 26.08.2021 made in O.P.No.2 of 2021 is set aside. There shall be no order as to costs.

7. List main OP i.e., O.P.No.2 of 2021 before this Court one week hence. List on 05.04.2022.

Sd/- M.S.J.
29.03.2022

//Certified to be a true copy//

Dated at Madras this the day of 2022.

SU/01.04.2022

COURT OFFICER(O.S.)

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