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Arb.O.P.(Comm.Div.) No.501 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.10.2022

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THE HONOURABLE **MR.JUSTICE SENTHILKUMAR
RAMAMOORTHY**

Arb.O.P.(Comm.Div.) No.501 of 2022

Ayan Tech Solutions Private Limited,
Rep. By its Authorized Signatory
Mr.Dhananjay Reddy
No.184-187, Temple Steps,
III Block, 9th Floor, Little Mount,
Chennai-600 015.

... Petitioner

vs.

Rasi Seeds Pvt. Ltd.
174, Sathyamurthy Road,
Ramnagar, Coimbatore,
Tamil Nadu-641 009.

... Respondent

PRAYER: Arbitration Original Petition filed under Section 11(6) of the Arbitration and Conciliation Act, 1996, prayed to appoint an arbitrator to adjudicate the disputes between the Petitioner and the Respondent under the SAP Agreement dated 17.04.2018.

For Petitioner : Ms.Ramya Subramaniam

For Respondent : Mr.H.Karthik Seshadri



ORDER

The petitioner and the respondent executed a service agreement dated 17.04.2018 in relation to the provision of technical and commercial services for implementation of SAP software.

2. Upon disputes arising in relation thereto, the petitioner issued a notice dated 25.07.2022 under Section 21 of the Arbitration and Conciliation Act 1996 (the Arbitration Act) and proposed the names of three persons for appointment as sole arbitrator. By reply dated 11.08.2022, the respondent rejected the request for constitution of an arbitral tribunal both on the ground that the claims are time barred and on the ground that the petitioner has initiated proceedings before the National Company Law Tribunal (NCLT).

3. Upon service of notice, on instructions, learned counsel for the respondent states that the respondent has no objection to the constitution of the arbitral tribunal by this Court. However, learned counsel for the respondent states that the respondent is not agreeable to the appointment of any of the three persons proposed by the petitioner.



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4. In view of the admitted position that the contract between the parties contains an arbitration clause and the petitioner invoked such clause by issuing a notice dated 25.07.2022 under Section 21 of the Arbitration Act, the petitioner is entitled to succeed. However, it is open to the parties to raise all contentions and objections before the arbitral tribunal.

5. Accordingly, Arb.O.P.(Comm. Div.) No.501 of 2022 is allowed by appointing Mr.Justice K.Ravichandrababu, a retired Judge of this Court residing at No.1D, Crescent Castle, 13/6, II Crescent, Park Road, Gandhi Nagar, Adyar, Chennai-600 020, Mobile:94980 33336, 94440 11433, email: rpkrcbj@gmail.com as the sole arbitrator. The sole arbitrator is requested to enter upon reference and adjudicate the dispute. The fees and expenses in relation to the arbitral proceedings shall be fixed by the arbitrator in consultation with the parties.

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Index : Yes / No
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SENTHILKUMAR RAMAMOORTHY,J

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