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Arb.O.P.(Comm.Div.) No.502 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.11.2022

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

Arb.O.P.(Comm.Div.) No.502 of 2022

M/s.Kuehne + Nagel Pvt. Ltd.,
having its registered Office at
B-1/1018, Vasant Kunj,
New Delhi - 110 070 and
Chennai branch office at
10th Floor, Olympia Teknos,
Plot No.28, Dr.Ambedkar Nagar,
SIDCO Industrial Estate,
Guindy, Chennai - 600 032.
Rep. by its Authorized Signatory
Mr.Alex Philip

... Petitioner

vs.

Mr.Joseph Reginald Isaac
Power Builders,
No.57/27, 3rd Cross Street,
Ellaiamman Colony, Teynampet,
Chennai - 600 086.

... Respondent

PRAYER: Arbitration Original Petition filed under Section 11(6)(A) & (C)
of the Arbitration and Conciliation Act, 1996, Read With Rule 2 of the



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Appointment of Arbitrators of Madras High Court Scheme, 1996, pleased to appoint a sole arbitrator to resolve the disputes between the petitioner and the respondent in terms of Clause 28 of the Lease Agreement dated 21.11.2018.

For Petitioner : Mr.P.Giridharan

For Respondent : M/s.M.Soundar Vijay Arul Ram

ORDER

The petitioner entered into a lease agreement on 21.11.2018 with the respondent. Clause 28 thereof provides for dispute resolution through arbitral proceedings at Chennai.

2. Upon disputes arising between the petitioner and respondent in relation to fulfilment of obligations under the lease agreement, the parties entered into correspondence. Eventually, the petitioner terminated the lease agreement by notice dated 15.03.2019. Thereafter, the arbitration clause was invoked under notice dated 21.05.2019. In spite of receipt thereof, there was



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no response from the respondent. The petition is filed in these circumstances.

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3. Learned counsel for the respondents submits, on instructions, that the respondent has no objection to the constitution of an arbitral tribunal. This submission is without prejudice to the contentions of the respondent on merits. In view of the above submissions, this petition is liable to be allowed.

4. Accordingly, Arb.O.P.(Comm.Div.) No.502 of 2022 is allowed by appointing Mr.M.V.Swaroop, Advocate, 17/5, Krishna Street, T.Nagar, Chennai - 17, Mobile No.9003263741, as the sole arbitrator. The sole arbitrator is called upon to enter upon reference and adjudicate the dispute. The fees and expenses in respect of the arbitral proceedings shall be fixed by the arbitral tribunal in consultation with the parties.

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Index : Yes / No

Internet : Yes / No

SENTHILKUMAR RAMAMOORTHY,J

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