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Arb. O.P(Com.Div). No.497 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.03.2023

CORAM

THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

Arb. O.P(Com.Div). No.497 of 2022

Green Malabar Finance Ventures Limited,
Having its Registered Office at,
20C/2A, Sarangapani Street,
T.Nagar, Chennai 600 017.

Corporate Office at
Awifs Space Solutions Primus Building,
Door No.SP-7A, Room No.207, 2nd Floor,
Guindy Industrial Estate, Chennai 600 032.

Rep by its Authorised Signatory,
K.R.Vijay

... Petitioner

Vs.

Rajapandiyan R.A.,
Authorised Representative of MS/HSD Nava Sakthi Auto Fuels,
Survey No.33/1&34, Karanaithangal Village,
Vandalur to Walajabad Road,
Kanchipuram 602 105.

... Respondent

PRAYER : Original Petition is filed under Section 11 (5) of the Arbitration and Conciliation Act, 1996, praying to allow this petition and appoint a sole arbitrator under Clause 16 XV of the loan agreement dated 08.01.2021 of the loan agreement to adjudicate the dispute between the parties and to award the cost of present proceedings to the petitioner.



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For Petitioner : No appearance
For Respondents : No appearance

ORDER

This Arbitration Original Petition has been filed to appoint a sole arbitrator under Clause 16 XV of the loan agreement dated 08.01.2021 to adjudicate the dispute between the parties and to award the cost of present proceedings to the petitioner.

2. This Court vide order dated 22.11.2022, allowed this petition and appointed Mr.M.Muthusamy, Senior Advocate, as Arbitrator to adjudicate the disputes between the petitioner and the respondent. Thereafter, on 06.03.2023, Mr.M.Muthusamy, learned Arbitrator filed a memo before this Court stating that the parties are not cooperating for conducting the arbitration proceedings and hence, he is withdrawing himself as Arbitrator from the said matter. The said memo of the Arbitrator was taken on record by this Court. On the said date of hearing, there is no representation for both the petitioner and the respondent. Therefore, this original petition was listed today for further orders.



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3. Today also there is no representation for the petitioner and the respondent, which shows that both the petitioner and the respondent are not interested in prosecuting this matter. Therefore, this Court is inclined to dismiss this original petition for non-prosecution.

4. Accordingly, this Arbitration Original Petition is dismissed for non-prosecution. No costs.

13.03.2023

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KRISHNAN RAMASAMY. J.,
rst

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