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Arb.O.P.(Comm.Div.) No.60 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.10.2022

CORAM

THE HONOURABLE **MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

Arb.O.P.(Comm.Div.) No.60 of 2022

Tamil Nadu Small Industries Development Corporation Ltd.,
Rep., by its General Manager,
Thiru-Vi-Ka Industrial Estate, Guindy,
Chennai - 600 032, Tamil Nadu.

... Petitioner

VS.

Vedang Soft Pvt. Ltd.,
(Formerly Vedang Consultancy Service Pvt. Ltd.,)
Rep., By its Director & CEO,
Sudhir Bahuguna
C-2, 2524, Vasant Kunj
New Delhi - 110 070.
Respondent

...

PRAYER: Arbitration Original Petition filed under Section 11 of the Arbitration and Conciliation Act, 1996, pleased to appoint the sole arbitrator as per the clause 31.2 of the agreement entered by the petitioner and the respondent on 01.03.2016.



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For Petitioner : Mr.Umapathy
for Mr.S.P.Prabhakaran

For Respondent : M/s.Rahul M.Shankhar

ORDER

The petitioner presented this petition for purposes of constituting an arbitral tribunal. The dispute between the parties arises out of an agreement dated 01.03.2016. At the last hearing, learned counsel for the respondent submitted that an arbitral tribunal was constituted by the Facilitation Council under the Micro Small and Medium Enterprises Development Act, 2006 (the MSMED Act) and that the arbitral tribunal pronounced an award. At the hearing today, learned counsel for the respondent has placed on record the arbitral award dated 15.09.2022. Learned counsel for the petitioner states that the petitioner has not received a copy of the arbitral award from the arbitral tribunal. On examining the arbitral award, *prima facie*, the said award pertains to a dispute arising out of the above mentioned



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agreement between the parties. Consequently, an arbitral tribunal cannot be constituted pursuant to the present petition. Upon receipt of the arbitral award, it would be open to the petitioner herein to assail the award in accordance with law. It is needless to say that if the award is set aside and the dispute remains alive, it will be open to the petitioner to approach the jurisdictional Court for constitution of an arbitral tribunal, if necessary.

2. Arb.O.P.(Comm.Div.) No.60 of 2022 is dismissed for reasons set out above. However, there will be no order as to costs.

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Index : Yes / No

Internet : Yes / No



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SENTHILKUMAR RAMAMOORTHY,J

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