



Application No.198 of 2022

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WEB COPY **KRISHNAN RAMASAMY, J.**

This application is filed to extend the mandate of the sole Arbitrator by a period of 12 months from the date of receipt of copy of order for the purpose of completing the arbitration proceedings in Arbitration Case DFS No.216 of 2018.

2. Heard Mr.D.Pradeep Kumar, learned counsel for the appellant and Mr.B.Lokesh Sundaram, learned counsel of M/S.Nathan and Associates (Law Firm) for the respondents.

3. Learned counsel appearing for the applicant would submits that the arbitral proceedings could not be completed within the time prescribed at the instance of the applicant since there was a delay in filing the claim statement and proof affidavit before the learned Arbitrator. Therefore, the learned counsel for the applicant seeks extension of the mandate of the Arbitrator.



4. However, the learned counsel appearing for the respondent seeks change of Arbitrator. But the learned counsel for the applicant would submit that there is no ground made out for change of Arbitrator. The learned counsel for the respondent would submit that since the applicant appointed the Arbitrator unilaterally, in the interest of justice, this Court may appoint a new Arbitrator to enable the parties to resolve the dispute before him. Learned counsel for the applicant after noticing that the appointment of the Arbitrator was unilateral, he has also fairly accepted for appointment of new Arbitrator.

5. Considering the submissions made by the learned counsel for the parties, this Court is inclined to appoint new Arbitrator.

i) Accordingly, Mr.S.Muthuchharan, Advocate, Enrl. No.2892 of 2018, No.244, Ragendra Garden, Vettuvankanni, Chennai – 600 041, Mobile No.7397261623 is appointed as sole Arbitrator to enter upon reference and adjudicate the disputes *inter se* the parties.

ii) The learned Arbitrator appointed herein, shall after issuing notice to the parties and upon hearing



them, pass an award, within a period of one year from the date of receipt of the order.

iii) The Arbitrator is directed to fix the fee based on the present claim amount that is going to be filed by the applicant / claimant and the same shall be borne by the parties equally. In the event of non-appearance of the respondents, the applicant shall bear the entire remuneration and other expenses and thereafter, recover the same directly from the respondents.

6. This Application is ordered accordingly, leaving the parties to bear their own costs. Since this Court has appointed an Arbitrator, it is open to the applicant as well as the respondents to seek other reliefs under the provisions of Arbitration and Conciliation Act 1996 before the Arbitrator.

06.03.2023

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Note: Issue order copy on 13.03.2023



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