



O.A. No.18 of 2023

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ABDUL QUDDHOSE, J.

Both the parties are agreeable for arbitration as per the arbitration agreement contained in the contract dated 30.10.2021. However, the learned counsel for the respondent would submit that the respondent never signed the contract. On the contrary, the learned counsel for the petitioner would submit that the respondent has signed the contract and therefore, they are bound by the Arbitration Agreement. The dispute raised by the respondent cannot be decided by this Court while deciding an application filed under Section 9 of the Arbitration and Conciliation Act. The said issue can be decided only by the Arbitral Tribunal either as a preliminary issue or as a final issue. It is for the respondent to take appropriate steps before the Arbitral Tribunal to agitate their grievance with regard to the validity of the Arbitration Agreement.

2. Both the parties are agreeable for Arbitration and for appointment of a Sole Arbitrator by this Court, as seen from the endorsement made by the respective learned counsels in the Court bundle, today. The learned counsel for the applicant has also submitted



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that he is not pressing for an Interim Order as prayed for in O.A. No.18 of 2023.

3. Based on the endorsement made in the Court bundle made by the respective learned counsels on instructions, this application is disposed of in accordance with the said endorsement by appointing Mr.Abishek Jenasenan, Advocate, having office at No.15, Old No.6, Deivasigamani Street, Royapeetah, Chennai - 600 014. (Mobile No.9600000036), Email : abishekj@gmail.com, as the Sole Arbitrator to decide the dispute / differences between the petitioner and the respondent, which have arisen out of the Contract, dated 30.10.2021 entered into between them.

4. The above mentioned Arbitrator shall act upon the reference and pass an Arbitral Award by adhering to the provisions of the Arbitration and Conciliation Act, 1996. The learned Arbitrator shall be paid his remuneration in accordance with the Arbitrator's fees schedule prescribed in the 4th schedule to the Arbitration and Conciliation Act, 1996 and the fees payable to him shall be equally shared by both the parties to the dispute. The learned Arbitrator is also directed to complete the



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Arbitration within the time limit fixed under the Arbitration and Conciliation Act, 1996. The respondent is also granted liberty to file an application before the learned Arbitrator questioning the validity of the Arbitration Agreement contained in the Contract dated 30.10.2021 as a preliminary issue and the learned Arbitrator shall decide the said application as and when it is filed as expeditiously as possible.

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