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Arb.O.P.(Com.Div.)No.23 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.02.2023

CORAM

THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

Arb.O.P(Com.Div.)No.23 of 2023
and A.No.302 of 2023

M/s.Ransan Packaging Pvt.Ltd.,
Represented by its Director,
New No.11, Old No.7,
Kailasam Street, Tondiarpet,
Chennai 600 081.

... Petitioner

Vs.

1.Savani Carrying Pvt. Ltd.,
Zonal Office,
106, Coral Merchant Street, II Floor,
P.B.No.1508,
Chennai 600 001.

2.Bina Subhash,
Arbitrator,
Women Lawyers Association,
High Court Buildings,
Chennai 600 104.

... Respondents



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PRAYER :

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Arbitration Original Petition is filed under Section 14(i) A of the Arbitration and Conciliation Act, 1996, praying to declare the mandate of the 2nd respondent as terminated in respect of the arbitration proceedings between the petitioner and the 1st respondent.

For Petitioner	: Mrs.Krishna Meyyammai
For Respondents	: Mr.T.Sai Krishnan for R1
	No Appearance for R2

ORDER

This Arbitration Original Petition was filed to declare the mandate of the Arbitrator as terminated in respect of the arbitration proceedings between the petitioner and the 1st respondent.

2. However, the learned counsel for the respondent would submit that the award was passed as early as on 13.01.2023. Therefore, the prayer sought for in the present petition has become infructuous.

3. In reply, the learned counsel for the applicant would submit that as



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early as on 09.01.2023 itself, the present petition was filed and subsequently the arbitrator was also informed about the filing of this present petition on 13.01.2023 itself. Therefore, subsequent to the receipt of intimation from the applicant, the present award came to be passed.

4. In response, the learned counsel for the respondent would submit that only the present petition was filed and no order was obtained by the petitioner in this petition. Hence, there is no prohibition for the arbitrator to pass the award.

5. Upon hearing the learned counsel for the petitioner and the respondent and on perusing the documents available on record, it is clear that the award was passed on 13.01.2023 and the present petition was filed on 09.01.2023. However, after filing of this petition, it was not numbered and no order had been passed by this Court.

6. Under these circumstances, now this Court cannot pass any order as



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requested by the learned counsel for the applicant. However, the petitioner is at liberty to challenge the said award assailing all these reasons before the appropriate proceedings.

7. In view of the above, this Arbitration Original Petition is dismissed as infructuous. Consequently, the connected application is also closed.

24.02.2023

Speaking/Non-speaking order
Index : Yes / No
Neutral Citation : Yes / No
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KRISHNAN RAMASAMY, J.

nsa

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