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OSA (CAD) Nos.12, 14 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.12.2023

CORAM :

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

and

THE HONOURABLE MR.JUSTICE P. DHANABAL

OSA Nos.12 and 14 of 2022

OSA No.12/2022

1. Bharat Petroleum Corporation Ltd.,
No.1, Ranganathan Gardens, Off 11th Main Road,
Anna Nagar West, Chennai 600 040.

2. The Managing Director,
Bharat Petroleum Corporation Ltd.,
Bharat Bhavan, Ballard Estate, Mumbai 400 001.

3. The Director (Marketing),
Bharat Petroleum Corporation Ltd.,
Bharat Bhavan, Ballard Estate, Mumbai 400 001.

... Appellants

Vs.

1. Keerthy Travels, Hotel Hilux Buildings,
No15/722, Keerthy Kunnathur Medu,
Palakkad 678 013.

2. Mr.N.Govindarajan, Sole Arbitrator,
No.1, Ranganathan Gardens,
Off 11th Main Road, Anna Nagar West,
Chennai 600 040.

... Respondents



OSA (CAD) Nos.12, 14 of 2022

OSA No.14/2022

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Bharat Petroleum Corporation Ltd.,
No.1, Ranganathan Gardens, Off 11th Main Road,
Anna Nagar West, Chennai 600 040.

... Appellants

Vs.

1. Keerthy Travels,
Hotel Hilux Buildings,
No15/722, Keerthy Kunnathur Medu,
Palakkad 678 013, Kerala State.

2. Mr.N.Govindarajan, Sole Arbitrator,
No.1, Ranganathan Gardens,
Off 11th Main Road, Anna Nagar West,
Chennai 600 040.

... Respondents

Prayer in OSA No.12/2022: Original Side Appeal filed under Section 13(1) of the Commercial Court Act and under Section 37 of the Arbitration and Conciliation Act, 1996 r/w/ Order XXXVI Rule 1 of O.S. Rules to set aside the order and decreetal order passed by this Court in O.P.No.287/2014, dated 26.02.2021.

Prayer in OSA No.14/2022: Original Side Appeal filed under Section 13(1) of the Commercial Court Act and under Section 37 of the Arbitration and Conciliation Act, 1996 r/w/ Order XXXVI Rule 1 of O.S. Rules to set aside the order and decreetal order passed by this Court in O.P.No.793/2014, dated 26.02.2021.



OSA (CAD) Nos.12, 14 of 2022

In both the original side appeals

For Appellant/s : Mr.Krishna Srinivasan, Senior Counsel
for M/s S.Ramasubramaniam and Associates
For Respondents : Mr.G.Suryanarayanan for first respondent

COMMON JUDGMENT

(Order of the Court was delivered by D.KRISHNAKUMAR, J.)

Both the original side appeals have been filed to set aside the common order passed by this Court in O.P.No.287 and 793 of 2014, dated 26.02.2021 in and by which, the Award passed by the sole Arbitrator was set aside.

2. The parties and the issues involved in both the original side appeals are one and the same and hence, they are taken together for hearing and disposed of by way of this common judgment.

3. The first respondent herein had filed the above original petitions before the Single Judge, seeking to set aside the Award passed by the second respondent herein; to remove him as the sole Arbitrator; and for



appointment of Arbitrator to conduct the arbitration proceedings in accordance with law.

4. The learned Single Judge, after hearing the counsel and upon perusing the records, has passed the order by setting aside the Award passed by the second respondent herein, however, has not appointed any Arbitrator.

5. Today, when the matters were came up before us for hearing, the counsel appearing for appellants as well as the first respondent have agreed for appointment of sole Arbitrator to resolve the dispute between the parties. Further, they made their consent to appoint **Hon'ble Mr.Justice V.BHARATHIDASAN**, (Retd.), as Sole Arbitrator. Accordingly, it is ordered as follows.

i) That **Hon'ble Mr. JUSTICE V. BHARATHIDASAN (Retd.)** High Court of Madras, No.22, Second Main Road, Kamaraj Nagar, Thiruvannamipur, Chennai-41, Mobile No.9444383139, is appointed as a Sole Arbitrator to enter upon reference and adjudicate the matter.



OSA (CAD) Nos.12, 14 of 2022

ii] That the learned Sole Arbitrator appointed herein, shall after issuing notice to the parties and upon hearing them, pass an award as expeditiously as possible, preferably within a period of six months from the date of receipt of the Order.

III] That the evidence already taken in the earlier proceedings is left open to the parties concerned for relying upon the same in the present arbitration proceedings.

iii] That the learned Sole Arbitrator appointed herein shall fix his fees and other incidental charges and the same shall be borne by the parties equally.

6. Accordingly, the original side appeals in OSA Nos.12 & 14/2022 are disposed of. No costs.

(D.K.K.J.) (P.D.B.J.)

15.12.2023

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