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Arb.O.P.(Com.Div.) Nos.108 to 112 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.07.2023

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THE HON'BLE Mr. JUSTICE ABDUL QUDDHOSE

Arb.O.P (Com.Div.) Nos.108 to 112 of 2023
and A.Nos.2169 to 2171, 2174 and 2175 of 2023

M/s.IndusInd Bank Limited,
rep. by its Power Agent
P.Vignesh Kumar Executive-Legal

... Petitioner in all O.Ps

Versus

1.M/s.Parivahan Road Carriers,
rep. by its Proprietor

2.Rekha Goyal

... Respondents in all O.Ps

Prayer in all O.Ps: Arbitration Original Petitions (Commercial Division) filed under Section 11(6)(a) and (c) of the Arbitration and Conciliation (Amendment) Act, 2015 read with Rule 2 of the appointment of the Arbitrators of Madras High Court Scheme, 1996 to appoint an Arbitrator to resolve the disputes between the petitioner and the respondents in terms of Clause 11 of the Loan Agreement Nos.DED00265D, DED00266, DED00267D, DED00268D and DED00264D respectively dated 31.03.2021.



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For Petitioner in all O.Ps : Mr.S.P.Mano Bharath

For Respondents in all O.Ps : Mr.C.V.Kumar

ORDER

These petitions have been filed under Section 11(6)(a) and (c) of the Arbitration and Conciliation Act seeking for appointment of an Arbitrator, arising out of five different loan contracts.

2.The respondents in all these petitions have obtained five Arbitral Awards, which have been passed pursuant to the disputes arising out of the very same Loan Contracts.

3.Learned counsel for the petitioner would submit that the petitioner will be challenging five Arbitral Awards by filing petitions under Section 34 of the Arbitration and Conciliation Act before this Court. The said submission is recorded.

4.Unless and until a decision is taken by this Court in the petitions to be filed by the petitioner under Section 34 of the Arbitration and Conciliation Act, challenging the five Arbitral Awards passed in favour of



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the respondents, these petitions filed under Section 11 of the Arbitration and Conciliation Act cannot be decided. Hence, these petitions will have to be disposed of by granting liberty to the petitioner to file similar petitions under Section 11 of the Arbitration and Conciliation Act depending upon the outcome of the proposed Original Petitions to be filed by the petitioner under Section 34 of the Arbitration and Conciliation Act challenging the Arbitral Awards passed in favour of the respondents, arising out of the very same Loan Agreements, which are the subject matters in all these petitions.

5. Accordingly, these petitions are disposed of by granting liberty to the petitioner to file fresh petitions seeking for appointment of an Arbitrator under Section 11 of the Arbitration and Conciliation Act depending upon the outcome of the proposed Original Petitions to be filed by the petitioner under Section 34 of the Arbitration and Conciliation Act, challenging the Arbitral Awards passed in favour of the respondents against the petitioner. No costs.

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Index: Yes/No



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ABDUL QUDDHOSE, J.

vga

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