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Arb. O.P(Com.Div). No.52 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2023

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THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

Arb. O.P(Com.Div). No.52 of 2023

Saravanan Global Energy Ltd.,
Represented by its CFO N.Srikanth,
Having its registered office at
New No.15, New Giri Road,
Off G.N.Chetty Road, T.Nagar,
Thygaraya Nagar Head Post Office,
Chennai – 600 017.

... Petitioner

Vs.

M/s.SBI General Insurance Company Limited,
Represented by its Authorised Signatory,
3rd Floor, Good Shepherd Square,
No.82, Kodambakkam High Road,
Nungambakkam, Chennai – 600 034.

... Respondent

PRAYER : Original Petition is filed under Section 14 (1) (b) & 15(1) of the Arbitration and Conciliation Act, 1996, praying to appoint a substitute Sole Arbitrator to continue with the Arbitration Proceedings in A.F.No.125 of 2019 and adjudicate upon the dispute.

For Petitioner : Mr.Sashidhar Sivakumar

For Respondent : Mr.J.Akhila
for M/s.Alwin Godson



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ORDER

This petition has been filed under Section 14 (1) (b) & 15(1) of the Arbitration and Conciliation Act, 1996, praying to appoint a substitute Sole Arbitrator to continue with the Arbitration Proceedings in A.F.No.125 of 2019 and adjudicate upon the dispute.

2.Learned counsel appearing for the petitioner would submit that the present Arbitrator expressed his inability to proceed with the case due to the health condition and he has also sent email and letter dated 01.12.2022 and 02.12.2022 respectively to both the learned counsel appearing for either parties.

3.Learned counsel appearing for the respondent would submit that the respondent has no objection for substituting the Sole Arbitrator.

4.Under such circumstances, this Court is of the view that since the present Arbitrator expressed his inability to proceed with the matter due to his health condition, it would be appropriate to substitute the Sole Arbitrator.



Arb. O.P(Com.Div). No.52 of 2023

5.This Court satisfied with the reasons stated in the affidavit filed in support of the petition. Accordingly, **Mr.V.Bharathidasan, Former Judge Madras High Court, residing at No.22(L-45), 2nd Main Road, Kamaraj Nagar, Thiruvanmiyur, Chennai – 600 041. (Mobile No.9444383139),** is appointed as the Arbitrator to enter upon reference and adjudicate the disputes *inter se* the parties. The learned 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. The learned Sole Arbitrator appointed herein shall be paid fees and other incidental charges, fixed by him and the same shall be borne by the parties equally.

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

03.02.2023

rst

Note: Issue Order Copy on 07.02.2023



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Arb. O.P(Com.Div). No.52 of 2023

KRISHNAN RAMASAMY. J.,
rst

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03.02.2023