



Arb. O.P(Com.Div). No.102 of 2023
and O.A.No.760 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 13.03.2023

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THE HONOURABLE MR. JUSTICE KRISHNAN RAMASAMY

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and O.A.No.760 of 2021

Platinum Holdings Private Limited,
Having its Office at:
No.2/1, Abu Garden,
OMR Navalur, Chennai – 600 130,
Represented by its Authorised Representative,
M.Premnath

... Petitioner

Vs.

M/s.Pranaav Consultants & Engineering Contractors,
Having its Registered Office at
First Floor, No.6/11, Rangarajapuram,
3rd Cross Street, Saidapet,
Chennai – 600 015.

... Respondent

PRAYER : Original Petition is filed under Section 11 (6) of the Arbitration and Conciliation Act, 1996, praying to appoint a Sole Arbitrator to enter reference relating to the disputes that have arisen between the petitioner and the respondent herein, in connection with the “Work Order dated 12.08.2017” and “Amendment Work Order dated 18.02.2019” and to conduct Arbitration Proceedings to adjudicate upon the said disputes and pass award.



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For Petitioner : Mr.R.Venkatraman
for M/s.Tatva Legal
For Respondent : Mr.M.Aravind Subramanyam,
Senior Advocate

COMMON ORDER

ARB.O.P(Com.Div).No.102 of 2023, has been filed by the petitioner under Section 11 (6) of Arbitration and Conciliation Act, 1996, (hereinafter referred as “the Act”), seeking to appoint a Sole Arbitrator to enter reference relating to the disputes that have arisen between the petitioner and the respondent herein, in connection with the “Work Order dated 12.08.2017” and “Amendment Work Order dated 18.02.2019” and to conduct Arbitration Proceedings to adjudicate upon the said disputes and pass award.

O.A.No.760 of 2021 has been filed by the applicant seeking for an interim injunction restraining the 1st respondent Bank from honoring and remitting the funds secured under the Bank Guarantee bearing reference No.00088IG200000006, dated 01.12.2020 valid upto 30.11.2021, pending the initiation of the arbitral proceedings and constitution of the Arbitral Tribunal.



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2.The petitioner in ARB.O.P(Com.Div).No.102 of 2023 is the 2nd respondent in O.A.No.760 of 2021, vice versa. The parties are referred as per their rank in Arbitration Original Petition.

3.In O.A.No.760 of 2021, this Court passed an interim order restraining the respondent therein from encashing the Bank Guarantee vide order dated 29.11.2021 and the said interim order has been extended from time to time.

4.Mr.Aravind Subramanyam, learned Senior Counsel appearing for the respondent would submit that he has no objection for appointment of Arbitrator. Further interim order granted by this Court on 29.11.2021 in O.A.No.760 of 2021 may be extended.

5.The learned counsel appearing for the petitioner would submit that the Bank Guarantee has already been expired and therefore, a direction may be given to extend the same.



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6.In reply, learned Senior Counsel appearing for the respondent would fairly submit that a direction may be given to extend the Bank Guarantee forthwith.

7.Considering the submissions made by the learned counsel appearing for the petitioner and the learned Senior Counsel appearing for the respondent, this Court is inclined to appoint an Arbitrator to adjudicate the dispute between the petitioner and the respondent.

(i) Accordingly, **Mr.A.K.Sriram, Senior Advocate, residing at 16/29, CV Raman Road, Alwarpet, Chennai – 600 018 (Contact No.9841043004),** is appointed as the Arbitrator to enter upon reference and adjudicate the disputes *inter se* the parties.

ii) 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, without influencing any of the observations made by this Court in this order.



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iii) Learned Arbitrator is requested to conduct arbitration proceedings in accordance with the Madras High Court Arbitration Proceedings Rules, 2017 and the fee of the learned Arbitrator shall be fixed in accordance with Madras High Court Arbitration Centre (MHCAC) (Administrative Cost and Arbitrator's Fees), Rules 2017.

iv) In the event of non-appearance of the respondent herein, the petitioner herein shall bear the entire remuneration and other expenses and thereafter, the petitioner can recover the same directly from the respondent herein.

v) The interim order already granted by this Court dated 29.11.2021 in O.A.No.760 of 2021 is extended until the completion of Arbitration Proceedings, unless and otherwise the parties file necessary application to vacate the interim injunction and if there is any order from the learned Arbitrator. The respondent is directed to extend the Bank-Guarantee within a period of two weeks from the date of receipt of a copy of this order.

8.Hence, the Arbitration Original Petition and the Original Application is



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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.

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KRISHNAN RAMASAMY. J.,

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