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ARB. O.P.(Com.Div) No.189 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.07.2023

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

Arb. O.P. (Com. Div.) No.189 of 2023

Arya Propmart Private Ltd.,
Rep. by its Director,
Arun Bhati

...

Petitioner

vs.

Siemens Gamesa Renewable Power Private Ltd.,
Formerly 'Gamesa Renewable Private Ltd.)
Registered Office at "Futura" B,
Block,
8th Floor,
No.334, Old Mahabalipuram Road,
Sholinganallur,
Chennai – 600 119.

Also at :

Survey No.388/1A, 387,
Pazhamathur Village,
Madhuranthangam Taluk,
Kancheepuram District – 603 111.

...

Respondent

Prayer : Arbitration Original Petition (Commercial Division) filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 to constitute an Arbitral Tribunal as per the Project Agreements wherein the parties had agreed to refer the dispute to Arbitration

For petitioner
For respondent

: Mr.Bhadri Narayanan
: Mr.L.Aniruddh Krishnan



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ORDER

WEB COPY A Joint Memo has been filed by both the learned counsels dated 13.07.2023. As seen from the Joint Memo on instructions, the respective counsels have filed the same agreeing for the dispute between the parties to be referred to the sole Arbitrator N.L.Rajah, Senior Advocate.

2. However, the respondent in the Joint Memo has reserved its right to raise jurisdiction objections under Section 16 of the Arbitration and Conciliation Act, 1996 before the Sole Arbitrator and also reserved its rights to file a counter claim. The Joint Memo filed by both the parties dated 13.07.2023 is taken on record.

3. In terms of the Joint Memo, dated 13.07.2023, this petition is disposed of by appointing Mr.N.L.Rajah, Senior Advocate as a sole Arbitrator to adjudicate the dispute between the petitioner and the respondent arising out of the agreements referred to in the cause title of the Joint Memo.

4. Accordingly, this Arbitration Original Petition is allowed as prayed for by issuing the following directions :-

(a) This Court appoints Mr.N.L. Rajah, learned Senior Advocate, who is having office at No.8, 4th Venkateswara



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Nagar, Adyar, Chennai - 600 020 (Mobile No.9841013617) as
a sole Arbitrator to decide the dispute between the petitioner
and the respondent arising out of the Amendment to Solar
Power Project Land Aggregation Agreements, dated
15.02.2019.

(b) The Arbitrator shall be paid his remuneration / fees
in accordance with the 4th schedule of the Arbitration and
Conciliation Act, 1996.

(c) Both the parties shall equally share the arbitrator's
fees.

(d) The Arbitrator shall conduct the arbitration in
accordance with the provisions of the Arbitration and
Conciliation Act, 1996 and shall complete the arbitration
within the specified time as prescribed under the said Act.

13.07.2023

Index: Yes/ No
Speaking order / Non speaking order
Neutral citation : Yes / No
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ABDUL QUDDHOSE, J.

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