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Arb.O.P.(Com.Div.)No.353 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2023

CORAM :

THE HONOURABLE MR.JUSTICE C.SARAVANAN

Arb.O.P.(Com.Div.)No.353 of 2023

M/s.Emayam Industries Private Limited,

(CIN : U35910TN2016PTC110219)

Represented by its Managing Director

Prakash Subramani

... Petitioner

Vs.

1.M/s.Bindu Appalam Depot,

Represented by its Proprietor Bharathan

2.Bharathan

3.Sinoy

... Respondents

Prayer: Original Petition is filed under Section 11(6)(a) of the Arbitration and Conciliation Act, 1996, praying to appoint an Arbitrator to adjudicate the dispute between the Petitioner and the Respondents in terms of Article II, Clause 5 of the Agreement dated 30.12.2022 and to direct the Respondents to pay costs.

For Petitioner : Mr.T.Ramesh

For Respondents : Mr.R.Anandakumar



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ORDER

With the consent of the learned counsel for the petitioner and the respondents, **The Hon'ble Mr.Justice.B.Rajendran (Retd.), Former Judge of Madras High Court residing at New No.E15, Old No.E65, 5th Main Road, Anna Nagar East, Chennai - 600 102, (Mobile No.9445024747)** is appointed as an Arbitrator to enter upon reference and adjudicate/resolve the *inter se* disputes between the parties.

2. The learned Arbitrator appointed herein, shall after issuing notice to the parties and upon hearing them, endeavour to complete the arbitral proceedings and pass an award strictly in accordance with the provisions of the Arbitration and Conciliation Act, 1996, as expeditiously as possible, preferably within a period of twelve months after the date of completion of pleadings under Sub-Section 4 to Section 23 as is contemplated in Section 29-A of the Arbitration and Conciliation Act, 1996, without getting influenced by any of the observations made by this Court in this order.

3. The learned Arbitrator appointed herein shall be paid fees and other incidental charges as may be fixed with the consent of parties or in accordance



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with the provisions of the Arbitration and Conciliation Act, 1996, and the same shall be borne by the parties equally. In case, the respondents remain *ex parte*, the petitioner shall pay the entire fee and other incidental charges to the Arbitrator and later recover the same from the respondents.

4. This Original Petition is allowed accordingly, leaving the parties to bear their own costs.

5. Since this Court has appointed the Arbitrator, it is open to the petitioner as well as the respondents to seek other reliefs under Section 17 of the Arbitration and Conciliation Act, 1996, before the learned Arbitrator.

07.11.2023

Index : Yes/No

Internet : Yes/No

Speaking Order/Non-Speaking Order

Neutral Citation : Yes/No

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C.SARAVANAN, J.

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