



Arb.O.P.(Com.Div.) No.345 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.09.2023

CORAM

THE HON'BLE Mr. JUSTICE ABDUL QUDDHOSE

Arb.O.P (Com.Div.) No.345 of 2023

M/s.Ramamaruthi Mincham Industries Private Limited,
represented by its Managing Director
T.Meenatchi Sundaram

... Petitioner

Versus

Gurivi reddy Gari Chinnapulla Reddy

... Respondent

Prayer: Arbitration Original Petition (Commercial Division) filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 to appoint a Third Arbitrator to preside over the tribunal on behalf of both the parties in terms of Clause 2 of the Addendum to the Memorandum of Understanding dated 07.10.2022 and as per the Memorandum of Understanding dated 11.07.2019 to adjudicate upon the disputes that has arisen between the parties in relation to the said Memorandum of Understanding.

For Petitioner : Ms.S.A.Kanmani

For Respondent : Mr.C.Umashankar



Arb.O.P.(Com.Div.) No.345 of 2023

ORDER

WEB COPY This petition has been filed under Section 11 of the Arbitration and Conciliation Act seeking for appointment of an Arbitrator by this Court.

2.The petitioner and the respondent have entered into a Memorandum of Understanding dated 11.07.2019. The Memorandum of Understanding pertains to a quarry. There seems to be a dispute arising out of the same. The parties have agreed for arbitration as seen from the Addendum to the Memorandum of Understanding dated 07.10.2022.

3.The petitioner has invoked Arbitration in accordance with the Arbitration Clause by issuing a notice to the respondent on 02.06.2022. A reply has also been sent by the respondent. The petitioner as well as the respondent have nominated their respective Arbitrators in terms of the Addendum to the Memorandum of Understanding dated 07.10.2022. But there is no consensus between the two Arbitrators for appointing the Third Arbitrator. Only under those circumstances, this petition has been filed



Arb.O.P.(Com.Div.) No.345 of 2023

under Section 11 of the Arbitration and Conciliation Act seeking for appointment of the Third Arbitrator (Presiding Arbitrator) by this Court.

4.Both the counsels, on instructions would now submit that they are willing for appointment of a Third Arbitrator (Presiding Arbitrator) by this Court.

5.For the foregoing reasons, this Arbitration Original Petition is allowed as prayed for by issuing the following directions:

(a)This Court appoints Hon'ble Mr.Justice K.Ravichandra Baabu, Former Judge of this Court, having Office at Flat 1D, Crescent Castle Apartment,13, Second Crescent Park Road, Gandhi Nagar, Adyar, Chennai - 600 020 (Mobile No.9498033336) as the Third Arbitrator (Presiding Arbitrator) to adjudicate the dispute between the petitioner and the respondent arising out of the Memorandum of Understanding dated 11.07.2019 and Addendum to the Memorandum of Understanding dated 07.10.2022, on merits and in accordance with law.



WEB COPY



Arb.O.P.(Com.Div.) No.345 of 2023

ABDUL QUDDHOSE, J.

vga

(b)The Third Arbitrator (Presiding Arbitrator) shall be paid his remuneration / fees as per the schedule agreed upon by the parties to the dispute.

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

(d)The Arbitral Tribunal 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.

29.09.2023

vga

Arb.O.P (Com.Div.) No.345 of 2023