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Arb.O.P.No.51 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.01.2023

CORAM

THE HONOURABLE **MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

Arb.O.P.No.51 of 2022

I Two Company,
represented by its Proprietor named Z.R.Anand
D.No.863/2,
Thiruchy Road,
Ramanathapuram,
Coimbatore - 45.

... Petitioner

VS.

Senthil Manivannan

... Respondent

PRAYER: Arbitration Original Petition filed under Section 11(6) of the Arbitration and Conciliation Act, 1996, pleased to appoint an arbitrator to adjudicate the dispute between the petitioner and the respondent in terms of the arbitration agreement dated 06.03.2021.

For Petitioner : Mr.M.Saravana Kumar

For Respondent : Mr.Sharath Chandran



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ORDER

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The petitioner prays for the constitution of an arbitral tribunal to resolve the dispute between the petitioner and the respondent. The petitioner states that he is the Proprietor of a firm named I Two Company. In relation to the business of the petitioner, it is stated that a Memorandum of Understanding was executed on 06.03.2021 by and between the petitioner and the respondent. The petitioner cites clause 9 of the Memorandum of Understanding, which is set out below:

"9. Arbitration: Any dispute arising in the above business understanding and the same shall be settled using an arbitrator only."

2. Since a dispute arose between the parties, the petitioner invoked the arbitration clause by issuing notice dated 16.07.2022 under Section 21 of the Arbitration and Conciliation Act, 1996. The said notice was replied to by the respondent on 12.08.2022. Since parties could not agree upon the constitution of the arbitral tribunal, the present petition is filed.



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3. On instructions, learned counsel for the respondent admits that there is an arbitration agreement between the parties and that the dispute raised by the petitioner is within the scope thereof. He further submits that it would be convenient to conduct the arbitral proceedings in Coimbatore because both the parties are based in Coimbatore.

4. Upon examining the Memorandum of Understanding and other material documents, this petition is liable to be allowed.

5. Accordingly, Arb.O.P.No.51 of 2022 is allowed by appointing Mr.J.V.Raj, Retired District Judge, 46, Sathya Nagar, Near Reeds School, Mylampatti, Coimbatore 641 062, Mobile No. 9445436345, as the sole arbitrator. The sole arbitrator is called upon to enter upon reference and adjudicate the dispute. The fees and expenses in respect of the arbitral proceedings shall be fixed by the arbitral tribunal in consultation with the parties.

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