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ARB.O.P.(Com.Div) No.373 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.09.2023

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

Arb.O.P.(Com.Div) No.373 of 2023

Mavin Architectural Solutions Private Limited,
Registered Office at: 1-13, East Patel Nagar,
New Delhi – 110 008 &
Administrative Office at:
9-1-119/1, Old Lancers Lane,
Secunderabad – 500 025,
Rep. by its Finance Manager,
Mr.Ramakanth Gupta M

... Petitioner

Vs.

M/s.Shri Akshai Constructions,
No.10, Duraisamy Pillai Street,
Tambaram West, Chennai – 600 045.

... Respondent

Prayer: Arbitration Original Petition (Commercial Division) filed under Section 11(5) of the Arbitration and Conciliation Act, 1996, r/w Section 10 of the Commercial Courts Act, 2015 and Clause 2 of the appointment of Arbitrators by the Chief Justice of Madras High Court Scheme, 1996, praying to appoint a Sole Arbitrator, in terms of Clause 13 of the Purchase Order bearing Nos.SAC/VEL001/J-001 dated 05.07.2019 and direct the respondent to pay cost of this petition to the petitioner.

For Petitioner : Mr.Neelakantan

For Respondent : Mr.K.P.P. Raja Raja Chozhan



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ORDER

This Petition has been filed under Section 11(5) of the Arbitration and Conciliation Act, seeking for appointment of an Arbitrator by this Court.

2. The petitioner has supplied certain goods to the respondent. According to the petitioner, the respondent has not paid the value of the said goods. The Purchase Order bearing No.SAC/VEL001/J-001 dated 05.07.2019 by which the respondent had placed an order with the petitioner contains an arbitration clause, which is extracted hereunder:-

“13. Resolution of Disputes:

Notwithstanding anything contained in any other agreement, contract or other document entered into or executed whether prior to or subsequent to this purchase order the court in the city of Chennai Arbitration / Jurisdiction shall alone have to try to any dispute or difference between the parties to this purchase order with regards to the interpretation of the terms of purchase order or any other matter relating to or arising out of this purchase order and this shall be treated as a separate contract.”



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3. The petitioner has invoked arbitration in accordance with the arbitration clause by issuing notice to the respondent on 20.01.2023. Since there has been no consensus between the parties with regard to the name of the Arbitrator, the petitioner has filed this petition under Section 11 of the Arbitration and Conciliation Act.

4. The learned counsel appearing for the respondent has raised no objection for appointment of an 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 Dr.S. Padma, Advocate, having Office at T2, Thanikachalam Apartment, No.63, Rakkiappa Street, Mylapore, Chennai – 600 004, as the Sole Arbitrator to adjudicate the dispute between the petitioner and the respondent arising out of the Purchase Order bearing No.SAC/VEL001/J-001 dated 05.07.2019.

(b) The Arbitrator shall be paid her remuneration/fees in accordance with the IV Schedule of the Arbitration and Conciliation Act, 1996.



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ABDUL QUDDHOSE, J.

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(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.

15.09.2023

Index: Yes/ No
Speaking/Non-speaking order
Internet: Yes/No
Neutral Citation: Yes/No

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