



O.A.No.636 of 2022

O.A.No.636 of 2022

WEB CO **KRISHNAN RAMASAMY, J.,**

This application was moved under Section 9 of the Arbitration and Conciliation Act, 1996 (hereinafter called as “the Act”) for interim relief.

2. Today, this matter has been listed under the caption “For Reporting Settlement”.

3. When the matter was taken up for hearing, both the learned counsel would submit that since the present dispute is arising out of the Purchase Order dated 20.08.2018, the same can be arbitrable in terms of Clause 123.4 of the said Purchase Order, which reads as follows:

“123.4 The Arbitrator panel shall consist of three (3) arbitrators, one to be appointed by the Purchaser and Supplier respectively and a third one to be appointed by the two arbitrators so appointed by the purchaser and the supplier and the third arbitrator shall be appointed in



accordance with the provisions of the Indian Arbitration and Conciliation Act, 1996. It is to be noted that when one party appoints as Arbitrator, the other party should appoint their arbitrator within thirty (30) day. The arbitration shall be held in Chennai and the Courts in Chennai shall have exclusive jurisdiction on any matter connected with any Arbitration under this Clause.”

4. By referring the said clause, both the learned counsel would submit that the present dispute can be referred to Arbitration and further they would submit that under Section 11 of the Act, this Court is empowered to appoint an Arbitrator and hence, they further request that considering the value of the dispute, a sole Arbitrator may be appointed by this Court, instead of panel of three Arbitrators.

5. Heard the learned counsel for the applicant as well as the respondent and also perused the materials available on records.



O.A.No.636 of 2022

6. Upon hearing, this Court is satisfied that the present dispute is arising out of the said Purchase Order and the same is arbitrable under Clause 123.4 of the said Purchase Order and hence, this Court is inclined to appoint a sole Arbitrator.

7. Accordingly, this Court feels it appropriate to pass the following order:

i) The Hon'ble Mr.Justice V.Bharathidasan, (Retired), Madras High Court, residing at No.22(L-45), 2nd Main Road, Kamaraj Nagar, Thiruvanmiyur, Chennai – 600 041. (Mobile No.9444383139), is appointed as sole arbitrator to enter upon reference and adjudicate the disputes *inter se* the parties

ii) The learned Arbitrator appointed herein, shall after issuing notice to the parties and upon hearing them, pass an award as expeditiously as possible, preferably within a period of six months from the date of receipt of the Order. The learned Arbitrator is also directed to decide the matter without influenced by the observations made by this Court in the present order.



O.A.No.636 of 2022

iii) The learned Sole Arbitrator appointed herein shall be paid fees and other incidental charges, as per Schedule IV of the Act and the same shall be borne by the parties equally. In the event of non-appearance of the respondent, the petitioner shall bear the entire remuneration and other expenses and thereafter, the petitioner can recover the same directly from the respondent and vice versa.

8. With the above directions, this Original Application is disposed of.

22.06.2023

nsa



WEB COPY



O.A.No.636 of 2022

KRISHNAN RAMASAMY, J.,

nsa

O.A.No.636 of 2022

22.06.2023