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Arb.O.P.(Com.Div.) No.444 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.09.2023

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

Arb.O.P.(Com.Div.) No.444 of 2023
and A.No.4851 of 2023

Chemfab Alkalies Limited,
Rep. by its Authorised Signatory, B. Vignesh Ram,
'TEAM HOUSE', GST Road,
Vandalur, Chennai – 600 048.

... Petitioner

Vs.

1.M/s.Noma Infrastructure Private Limited,
Rep. by its Director, Mr.Kundan Gupta,
No.612, 6th Floor, the Summit Business Bay,
Andheri Kurla Road, Andheri East,
Mumbai, Maharashtra – 400 093

2.Mr.R. Ravikumar, Advocate,
Sole Arbitrator,
Having Office at No.14, Pilayar Koil Street,
Thengaithittu, Mudaliar Post,
Pondicherry – 605 004.

... Respondents

Prayer : Arbitration Original Petition (Commercial Division) filed under
Section 14(1)(a) and 14(2) r/w Section 15(2) and Section 11(6)(a) of the



Arb.O.P.(Com.Div.) No.444 of 2023

Arbitration and Conciliation Act, 1996, praying to terminate the mandate of the 2nd respondent, Mr.R. Ravikumar (Advocate) as the Sole Arbitrator to adjudicate the disputes between the parties and appoint an independent and impartial sole arbitrator to adjudicate the disputes between the parties.

For Petitioner : Mr.O. Solaiappan
for Mr.Thriyambak. J. Kannan

For Respondents : Mr.Allwin Godwin [R1]

R2 – Notice not ready

ORDER

Learned counsel appearing on behalf of the petitioner, as well as the learned counsel for the first respondent, have made an endorsement in the Court bundle stating that this petition can be allowed and the mandate of the Arbitrator can be terminated and in his place, a new Arbitrator can be appointed who shall adjudicate the dispute between the parties arising out of the Purchase Order dated 24.09.2021. The endorsement made by both the counsels, on instructions, in the Court bundle as referred to *supra*, is recorded by this Court.



Arb.O.P.(Com.Div.) No.444 of 2023

WEB COPY

2. In terms of the endorsement made by the learned counsel for the applicant as well as the learned counsel for the first respondent, without going into the merits of the petitioner's averments in this petition, this Arbitration Original Petition is allowed as prayed for, by issuing the following directions:-

(a) The mandate of the second respondent/Arbitrator, Mr.R.

Ravikumar, Advocate, is terminated.

(b) In place of Mr.R. Ravikumar, this Court appoints

Mr.Aditya Reddy, Advocate, having Office at No.21/11,

PS Sivasamy Salai, Mylapore, Chennai – 04, Mobile

No:9884811101, as the Sole Arbitrator to adjudicate the

dispute between the petitioner and the respondents

arising out of the Purchase Order dated 24.09.2021, on

merits and in accordance with law.

(c) The Arbitrator shall be paid his remuneration/fees in

accordance with the IV Schedule of the Arbitration and

Conciliation Act, 1996.



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Arb.O.P.(Com.Div.) No.444 of 2023

ABDUL QUDDHOSE, J.
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(d) Both the parties shall equally share the Arbitrator's fees.

(e) The Arbitrator shall conduct the arbitration from the stage conducted by the erstwhile Arbitrator, 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.

Connected application is closed.

27.09.2023

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

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Arb.O.P.(Com.Div.) No.444 of 2023