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Arb.O.P(Com.Div.)No.474 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2023

CORAM :

THE HONOURABLE MR.JUSTICE C.SARAVANAN

Arb.O.P.(Com.Div.)No.474 of 2023

and

A.No.5211 of 2023

J.John Thangaraj

... Petitioner

Vs.

1.Stellar Plastics (India) Private Limited,
Represented by its Authorized Representative

2.G.Vijayakumar

... Respondents

Prayer: Original Petition is filed under Section 14(2) read with Section 11(6) of the Arbitration and Conciliation Act, 1996, praying to terminate the mandate of the Arbitrator, the second respondent herein, in the arbitration proceedings initiated by the first respondent against the petitioner herein.

For Petitioner : Mr.Ashwin Shanbhag

For Respondents :

For R1 : Ms.V.V.Uthra

For R2 : No Appearance

ORDER

The petitioner has filed this petition under Section 14(2) read with Section 11(6) of the Arbitration and Conciliation Act, 1996, to terminate the



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mandate of the second respondent Arbitrator, in the arbitration proceedings initiated by the first respondent unilaterally against the petitioner.

2. The learned counsel for the first respondent submits that an independent arbitrator may be appointed by this Court to resolve the dispute between the parties.

3. Recording the same, **Ms.R.Dhanalakshmi, Advocate, Enrollment No.MS/760/1991, Mobile No.9841348069 residing at New.No.27/1, Peria Palli Street, R.A.Puram, Chennai - 600 028**, is appointed as an Arbitrator to enter upon reference and to adjudicate/resolve the *inter se* dispute between the parties.

4. The learned Arbitrator appointed herein, shall after issuing notice to the parties and upon hearing them, endeavour to complete the arbitral proceedings and pass an award strictly in accordance with the provisions of the Arbitration and Conciliation Act, 1996, as expeditiously as possible, preferably within a period of twelve months after the date of completion of pleadings under Sub-Section 4 to Section 23 as is contemplated in Section 29-A of the Arbitration and Conciliation Act, 1996, without getting influenced by any of the observations made by this Court in this order.



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5. The learned Arbitrator appointed herein shall be paid fees and other incidental charges as may be fixed with the consent of parties or in accordance with the provisions of the Arbitration and Conciliation Act, 1996, and the same shall be borne by the parties equally. In case, the respondents remain *ex parte*, the petitioner shall pay the entire fee and other incidental charges to the Arbitrator and later recover the same from the respondents.

6. This Original Petition is allowed accordingly, leaving the parties to bear their own costs. Consequently, connected Application is closed.

7. Since this Court has appointed the Arbitrator, it is open to the petitioner as well as the respondents to seek other reliefs under Section 17 of the Arbitration and Conciliation Act, 1996, before the learned Arbitrator.

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Index : Yes/No

Internet : Yes/No

Speaking Order/Non-Speaking Order

Neutral Citation : Yes/No

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