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Arb.Appln.Nos.295 to 298, 239 & 240 of 2022

Arb.Appln.Nos.295 to 298, 239 & 240 of 2022
and
O.A.Nos.723 & 724 of 2022

KRISHNAN RAMASAMY, J.

Both the learned counsel appearing for the applicant as well as the respondent would submit that the applications in O.A.Nos.723 and 724 of 2022 and Arb.Appln.Nos.239 and 240 of 2022 have been settled by virtue of the settlement agreement dated 20.02.2023. Therefore, both the learned counsel requested this Court to dispose of the aforesaid applications in terms of the said settlement agreement and with regard to the same, they had file a memo dated 17.03.2023.

2. Accordingly, all these applications are disposed of in terms of the settlement agreement and the said settlement agreement shall form part of this order.

3. Further, the learned counsel for the applicant and the respondent would submit that since there are disputes, between the applicant and the respondent, which arose out of the purchase agreement dated 16.08.2019 and the same is arbitrable in terms of Clause 5.5 of the said purchase agreement, they request this Court to appoint Hon'ble Mr. Justice



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K.P.Sivasubramaniam (Rtd.,) as Arbitrator.

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

i) Hon'ble Mr. Justice K.P.Sivasubramaniam (Rtd.), No.47, Pulla Avenue, Shenoy Nagar, Chennai 600 030, Phone No.9444701312, 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.

iii) The learned Sole Arbitrator appointed herein shall be paid fees and other incidental charges, fixed by him 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 applicant can recover the same directly from the respondent.



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5. Since this Court had appointed an Arbitrator, it is open to the petitioner as well as the respondent to raise all the issues before the learned Sole Arbitrator and seek other reliefs under the provisions of Arbitration and Conciliation Act, 1996 before the Arbitrator.

6. Since no further orders are required in the implead applications in Arb.Appln.Nos.295 to 298 of 2022, the same are closed.

27.03.2023

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Note: Issue order copy on 03.04.2023.



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