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Arb.O.P.(Com.Div.) No.499 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2023

CORAM :

THE HONOURABLE MR.JUSTICE C.SARAVANAN

Arb.O.P.(Com.Div.) No.499 of 2023

M/s.Limra United Technology,
Proprietorship represented by its Proprietor and
Authorized Signatory

... Petitioner

Vs.

M/s.Comprehensive Healthcare Systems Inc.
Represented by its President and CEO

... Respondent

Prayer : Original Petition is filed under Section 11(5) of the Arbitration and Conciliation Act, 1996, praying for appointment of a Sole Arbitrator to adjudicate the disputes between the parties under the Management and Services Discontinuation Knowledge Transfer Agreement dated 21.03.2023.

For Petitioner	: Mr.A.Ram Kumar
For Respondent	: Mr.R.S.Diwaagar for M/s.Vivrti Law

ORDER

This Original Petition is not maintainable before this Court and ought to have been filed only before the Hon'ble Supreme Court in terms of Section 11(6)(c) of the Arbitration and Conciliation Act, 1996, as the dispute between the parties is an international commercial dispute. Therefore, there is an ouster



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of jurisdiction of this Court under Section 11(6)(c) of the Arbitration and Conciliation Act, 1996.

2. The learned counsel for the petitioner confirms that the dispute between the parties can be resolved through arbitration and the Sole Arbitrator under the Agreement can be appointed only by the Hon'ble Supreme Court as the dispute arises out of an International Commercial Arbitration.

3. The learned counsel for the respondent was asked to ascertain whether the respondent is willing to consent for appointment of an Arbitrator. However, the learned counsel for the respondent has stated that he has no instructions on the same.

4. In view of the above, this Original Petition is closed. Hence, Registry is directed to return the originals to the petitioner together with a petition for re-presentation before the Hon'ble Supreme Court. There shall be no order as to costs.

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Index : Yes/No

Neutral Citation : Yes/No

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