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C.R.P.Nos.4595 & 4597 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.12.2023

CORAM:

THE HON'BLE MRS. JUSTICE T.V.THAMILSELVI

C.R.P.Nos.4595 & 4597 of 2023

and

C.M.P.Nos.27455 & 27457 of 2023

1. B.Priya
2. E.Baskaran
3. E.Sakunthala ... Petitioners in
C.R.P.No. 4595/2023

1. E.Anantharaj
2. R.Veeraraghavan
3. E.Sakunthala ... Petitioners in
C.R.P.No.4597/2023

-Vs-

M/s. Indo Asia Finance Limited,
at No.15, New Giri Road (Opp. Hotel Accord),
Off. G.N.Chetty Road, T.Nagar,
Chennai-600 017. ... Respondent in both
C.R.P.s

Prayer in C.R.P.No. 4595 of 2023 : Civil Revision Petition is filed under

Article 227 of the Constitution of India, praying to strike off the claim statement in the Arbitration proceedings in P.A.ACCP.No.11 of 2021 before the Sole Arbitrator Mr.P.Anbarasan.



C.R.P.Nos.4595 & 4597 of 2023

Prayer in C.R.P.No. 4597 of 2023 : Civil Revision Petition is filed under

Article 227 of the Constitution of India, praying to strike off the claim statement in the Arbitration proceedings in P.A.ACCP.No.12 of 2021 before the Sole Arbitrator Mr.P.Anbarasan.

For Petitioners in
both C.R.P.s : Mr.N.Nagu Sah

For Respondents in
both C.R.P.s : Mr.S.Arun Mathew

COMMON ORDER

As the conduct of Arbitrator is not satisfactory and also contended that he was unilaterally appointed, the Revision Petitioners preferred these Civil Revision Petitions praying to strike off the claim statement in the Arbitration proceedings in P.A.ACCP.Nos.11 and 12 of 2021 before the Sole Arbitrator Mr.P.Anbarasan respectively.

2. The learned counsel for Respondents would submit that challenging the order passed for appointment of arbitrator or the proceedings of arbitrator, they are entitled to invoke Sec.34 of Arbitration and Conciliation Act and not to invoke Art. 227 of Constitution of India.



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3. On perusal of grievance of Revision Petitioners stating that the Arbitrator is not fair and also he was unilaterally appointed, as rightly pointed by the respondent's counsel, the proceedings of Arbitrator can be challenged only under Sec.34 of the Act and they need not invoke Art. 227 of Constitution of India. As already there is a statutory remedy available for the Revision Petitioners to invoke Sec.34 of Arbitration and Conciliation Act, the invoking of Art. 227 of Constitution of India is not maintainable. Therefore, these Civil Revision Petitions are dismissed. Liberty is granted to the Revision Petitioners to file appropriate petition before the appropriate forum by invoking Sec.34 of Arbitration and Conciliation Act. No costs. Consequently, connected Civil Miscellaneous Petitions are closed.

11.12.2023

Index : Yes/No
Speaking Order : Yes/No
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To

The Sole Arbitrator, Chennai.



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T.V.THAMILSELVI, J.

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