



Arb.O.P(Com.Div.)No.481 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2023

CORAM :

THE HONOURABLE MR.JUSTICE C.SARAVANAN

Arb.O.P.(Com.Div.)No.481 of 2023

Same Deutz-Fahr India Private Limited,
Represented by P.Ramesh

... Petitioner

Vs.

1.M/s.Sultan Tractors,
Partnership firm having office at,
A1/C, Old MMIDC Road,
Near Kalyan Resort, A/p.Satara,
District – Satara,
Maharashtra – 415 004.

2.Khan Farid Aslam

3.Khan Latif Aslam

... Respondents

Prayer: Original Petition is filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 as amended up to date, praying to appoint a sole Arbitrator to adjudicate the dispute between the Petitioner and the Respondents and direct the Respondents to pay the cost of this Petition.

For Petitioner : Ms.Prapti Mehta
for Mr.G.Kalyan Jhabakh

For Respondents : No Appearance



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ORDER

Despite notice being served on the respondents privately pursuant to the order of this Court dated 12.10.2023, there is no representation on behalf of the respondents.

2. This petition has been filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 for appointing an Arbitrator.

3. The dispute between the petitioner and the respondents is governed by an arbitration clause in a Dealership Agreement dated 10.01.2019.

4. Relevant clause relating to arbitration reads as under:-

"14. Miscellaneous

J. Dispute Resolution

Any and all disputes, which may arise under, out of, in connection with, or in relation to this Agreement, including those as to the application and/or interpretation of this Agreement, or the legal relations and/or mutual rights, performance and obligations of the parties hereunder, shall be resolved through negotiations by the authorised officers or representatives of the Company and the Dealer before seeking outside resolution of the dispute. Those disputes not resolved by negotiations, within thirty (30) days from the date of notification of the disputes, shall be resolved through arbitration by a sole arbitrator to be appointed by the Director of the Company, who



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may be authorized by the Board of Directors of the Company in this regard. The arbitration proceedings shall be held at Chennai in accordance with the provisions of the Arbitration & Conciliation Act, 1996 as in force in India or any statutory modifications or reenactments thereof. The courts at Ranipet/Vellore alone shall have exclusive jurisdiction in all matters arising out of this Agreement."

5. Considering the fact that the dispute between the parties is arbitrable, this Court is inclined to appoint **Mr.Sharath Chandran, Advocate, (Enrollment No.MS/1400/2010), residing at Gokulam, No.3, Gopala Menon Street, Vepery, Chennai - 600 007, (Mobile No.98844 45442)** as an arbitrator to enter upon reference and adjudicate/resolve the *inter se* dispute between the parties.

6. 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.



Arb.O.P(Com.Div.)No.481 of 2023

WEB COPY

7. 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.

8. This Original Petition is allowed accordingly, leaving the parties to bear their own costs.

9. 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.

07.11.2023

Index : Yes/No

Internet : Yes/No

Speaking Order/Non-Speaking Order

Neutral Citation : Yes/No

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Arb.O.P(Com.Div.)No.481 of 2023

C.SARAVANAN, J.

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Arb.O.P.(Com.Div.).No.481 of 2023

07.11.2023