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Arb.O.P.(Com.Div.)No.505 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2023

CORAM :

THE HONOURABLE MR.JUSTICE C.SARAVANAN

Arb.O.P.(Com.Div.)No.505 of 2023

M/s.Sundaram Finance Limited,
No.21, Patullos Road,
Chennai – 600 002.
Represented by its Authorized Signatory,
Mr.A.Murali

... Petitioner

Vs.

1.S.Balaji

2.E.S.Radhakrishnan

... Respondents

Prayer: Original Petition is filed under Section 11(6) of the Arbitration and Conciliation Act, 1996, praying to appoint a sole Arbitrator to adjudicate upon the differences and disputes between the parties under the said agreement dated 26.04.2017 in respect of contract bearing No.M021200033.

For Petitioner : Ms.Narmadha for
Mr.M.Arunachalam

For Respondents : Mr.G.Govarthanan



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ORDER

This petition has been filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 to appoint a sole Arbitrator to adjudicate upon the differences and disputes between the parties under the said agreement dated 26.04.2017 in respect of contract bearing No.M021200033.

2.The learned counsel for the respondents have filed their counter. Though elaborate submissions were made on merits, the dispute between the parties is arbitrable in terms of Clause under Article 22 of the Loan agreement and Guarantee Agreement dated 26.04.2017. Considering the nature of dispute, Court is inclined to appoint **Mr.Karthik Sundaram, Advocate**, as an Arbitrator to resolve the dispute between the parties.

3.The parties are at liberty to workout the venue for Arbitration at Chennai.



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4.The Court is inclined to pass the following order:-

(i) **Mr.Karthik Sundaram, Advocate, (Mobile No.:9884906050)**

residing at **No.6, 1st Floor, Crystal Cove Apartments, MRC Nagar main road, MRC Nagar, Chennai – 600 028**, is appointed as an Arbitrator to enter upon reference and adjudicate / resolve the *inter se* dispute between the parties.

(ii) 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.

(iii) 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



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Arbitrator and later recover the same from the respondents.

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5.The Original Petition is allowed with the above observations, leaving the parties to bear their own costs.

6.Since the Court has appointed an 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.

19.12.2023

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation : Yes/No
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C.SARAVANAN, J.



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