



A. No.5902 of 2023 in Arb. O.P. (Com.Div.) No.347 of 2023

ABDUL QUDDHOSE,J.

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Vinod Rathi & Sushila Devi

.. Applicant

VS

Aviagen India Poultry Breeding
Company Private Limited,
rep. by D.Vijayakumar

.. Respondent

This application has been filed to review the order dated 15.09.2023 passed by this Court in Arb. O.P. (Com.Div.) No.347 of 2023.

2.In the said order, this Court, based on an arbitration clause in the invoices raised by the applicant on the respondent, appointed an Arbitrator under Section 11 of the Arbitration and Conciliation Act.

3.Learned counsel for the applicant, on instructions, submits that liberty may be granted to the applicant, namely, Vinod Rathi & Sushila Devi to raise all objections available to them under law with regard to the existence of the arbitration clause before the Arbitrator. They have stated that they have not agreed for arbitration and further it is their contention that "Prince Hatchery" is an unregistered partnership firm.

4.While passing the order dated 15.09.2023 in Arb.O.P. (Com. Div.) No.347 of 2023, this Court has observed that Prince Hatchery has not disputed the existence of the arbitration clause. If at all Vinod Rathi & Sushila Devi, who are



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the representatives of Prince Hatchery, disclosed in Arb. O.P. (Com.Div.) No.347 of 2023 have not agreed for arbitration and have no privity of contract, they are always at liberty to raise all objections before the Arbitrator and they cannot file the present application seeking to review the order. Admittedly, the respondent, as shown in the cause title in Arb. O.P. (Com.Div.) No.347 of 2023, is Prince Hatchery, with whom the respondent in this application, was having a contractual relationship and there existed an arbitration clause also in the respective invoices.

5.For the foregoing reasons, this application is disposed of by granting liberty to the applicant to raise all objections available to them under law before the Arbitrator and also granting liberty to them to file an application under Section 16 of the Arbitration and Conciliation Act if so advised before the Arbitrator questioning the Arbitrator's jurisdiction and liberty is also granted to the respondent to raise all objections available to them under law as and when such an application is filed before the Arbitrator.

09.11.2023

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