



Arb.O.P.No.2 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date 04.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Arb.O.P.No.2 of 2024

Senthil Manivannan

. . . Petitioner

Versus

I Two Company

Represented by its Proprietor

No.22, Bharathi Nagar, Mettupalayam

Coimbatore – 641 301

Now having office at

D.No.863/2, Trichy Road

Ramanathapuram, Coimbatore - 45

. . . Respondents

PRAYER : Petition filed under Section 11(6) of Arbitration and Conciliation Act, 1996 to appoint an arbitrator to adjudicate the dispute between the petitioner and the respondent in terms of the arbitration agreement dated 11.01.2020.

For petitioner : Mr.S.Sarath Chandran

For respondents : Mr.M.Saravankumar

ORDER

The petitioner prays for the constitution of an arbitral tribunal to resolve the dispute between the petitioner and the respondent. The petitioner is doing business of leasing the commercial equipment on a revenue sharing basis. In



relation to the business of the petitioner, it is stated that a Memorandum of Understanding was executed on 11.01.2020 by and between the petitioner and the respondent. The petitioner cites clause 19 of the Memorandum of Understanding, which is set out below:

“9. Arbitration: Any dispute arising in the above business understanding and the same shall be settled using an arbitrator only.”

2. Since a dispute arose between the parties, the petitioner invoked the arbitration clause by issuing notice dated 29.09.2023 under Section 21 of the Arbitration and Conciliation Act, 1996. The said notice was replied to by the respondent on 27.09.2023. Since parties could not agree upon the constitution of the arbitral tribunal, the present petition is filed.

3. On instructions, learned counsel for the respondent admits that there is an arbitration agreement between the parties and that the dispute raised by the petitioner is within the scope thereof. He further submits that it would be convenient to conduct the arbitral proceedings in Coimbatore because both the parties are based in Coimbatore.



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4. Upon examining the Memorandum of Understanding and other material documents, this petition is liable to be allowed.

5. Accordingly, Arb.O.P.No.2 of 2024 is allowed by appointing Mr.J.V.Raj, Retired District Judge, 46, Sathya Nagar, Near Reeds School, Mylampatti, Coimbatore 641 062, Mobile No. 9445436345, as the sole arbitrator. The sole arbitrator is called upon to enter upon reference and adjudicate the dispute. The fees and expenses in respect of the arbitral proceedings shall be fixed by the arbitral tribunal in consultation with the parties.

04.03.2024

Index : Yes / No

Internet: Yes

Speaking/non speaking order
dhk

To

Mr.J.V.Raj
Retired District Judge
46, Sathya Nagar, Near Reeds School,
Mylampatti,
Coimbatore 641 062
Mobile No. 94454 36345

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