



Arb.O.P.(Com. Div.)Nos.12 to 14 of 2024

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C.SARAVANAN.J.,

The learned counsel for the respondent appears through Video Conferencing and submits that the Court may please appoint a Sole Arbitrator to enter upon reference to resolve the dispute under the following three agreements which are as under:

(i) Dealer Sale and Service Agreement entered into between the Petitioner and the Respondent dated 25.10.2021.

(ii) Retention Payment Agreement entered into between the Petitioner and the Respondent dated 25.10.2021.

(iii) Service Agreement entered into between the Petitioner and Respondent dated 25.10.2021.

2.Although in two of the agreements, the agreement contemplates constitution of Arbitral proceedings consisting of three Arbitrators namely two Arbitrators to be nominated by each of the parties and they in turn appointing a Presiding Arbitrator to constitute the Arbitral Tribunal, there is a request for appointing a Sole Arbitrator to enter upon reference and decide the three cases separately under three agreements between the petitioner and the respondent.



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3. Recording the request of the learned counsel for the petitioner and the respondent, Hon'ble Justice Mr.V.Bharathidasan, Former Judge, Madras High Court, No.22, (L-45), 2nd Main Road, Kamaraj Nagar, Thiruvannamiyur, Chennai – 600041 (Mobile No.9444383139, 9445500224, dasanvb@gmail.com) is appointed as the Sole Arbitrator to adjudicate and resolve the *inter se* dispute between the parties.

4. 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.

5. 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.

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

7.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.

8.It is open for the parties to request the learned Arbitrator and the learned Arbitrator shall permit the proceedings through Video Conferencing as the second respondent wherefrom Baroda.

11.03.2024

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C.SARAVANAN.J.,

dh

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