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Arb.O.P (Com.Div.) No.229 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.08.2024

CORAM

THE HON'BLE Mr. JUSTICE KRISHNAN RAMASAMY

Arb.O.P (Com.Div.) No.229 of 2024

M/s.Randstad India Private limited,
Represented by its Manager-Legal and Authorised
Representative Mr.Amarnath Adem,
“Randstad House”, Old No.5 and 5A, New No.9, Pycrofts,
Garden road,
Chennai 600 006.

... Petitioner

Vs.

M/s.Seaways Supply Chain Private Limited,
Represented by its General Manager and Business Head,
Capt. Avisek Battacharjee, Having its Office at
Survey No.Part 209/6B, 218/5, 218/4, 218/6, 218/2, 218/3,
Valarpuram Village,
Sriperumbudur Taluk,
Kanchipuram 602 105

Presently at
M/s.Seaways Supply Chain Private Limited,
Represented by its General Manager and Business Head,
Capt. Avisek Battacharjee, Having its Office at
Seaways Pride, Plot No.731, Road No.36,
Jubilee Hills, Hyderabad 500 033.

and also at:

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M/s.Seaways Supply Chain Private Limited,
Represented by its General Manager and Business Head,
Capt. Avisek Battacharjee, Having its Office at
Capt. Avisek Bhattacharjee, Plot No.68,
MP/MLA Colony, Road, No.10C,
Jubilee Hills, Hyderabad 500 033, Telangana

... Respondent

Prayer:

Arbitration Original Petition filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 to appoint an Arbitrator to adjudicate the dispute between the petitioner and the respondent arising out of the Deputation Services Agreement dated 21.04.2022.

For Petitioners : Mr.Chethan Sagar

For Respondent : Mr.Karthikeyan Anbazhagan

ORDER

This Arbitration Original Petition has been filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 (hereinafter called as “the Act”) to appoint an Arbitrator to adjudicate the dispute between the petitioner and the respondent.



2. The learned counsel for the petitioner would submit that the parties had entered into Deputation Services Agreement dated 21.04.2022 for provision of man power by the petitioner to the respondent. As per the said Agreement, the petitioner has provided he man power and raised invoices with regard to the same. However, the respondent had not paid any amount, due to which, the respondent is liable to pay a sum of Rs.41,16,019/- to the petitioner. Therefore, the petitioner sent a notice dated 01.02.2024, under Section 21 of the Act, invoking Arbitration in terms of the Clause 20 of the said Agreement. For the said notice, the respondent sent a reply dated 04.02.2024. However, no consensus was arrived at between the parties. Hence, this petition has been filed.

3. In reply, the learned counsel for the respondent has accepted the submissions made by the petitioner that the present dispute is arising out of the aforesaid Agreement dated 21.04.2022 and after getting appropriate instructions, he would submit that any neutral Arbitrator may be appointed by this Court.



4. Heard the learned counsel for the petitioner and the respondent also perused the materials available on record.

5. In the present case, it appears that the dispute between the parties is arising out of the Deputation Services Agreement dated 21.04.2022. Upon perusal of the Agreement, it is clear that the dispute among the parties can be resolved by virtue of Arbitration as per Clause 20 of the said Agreement, which reads as follows:

“20. Dispute Resolution: Any and all disputes, differences or questions relating to or arising out of this Agreement, including without limitation, any questions relating to the existence, validity and enforceability of any of the provisions of this Agreement (together 'Disputes'), shall be submitted for arbitration by a sole arbitrator mutually appointed under the provisions of the Arbitration and Conciliation Act, 1996 as amended from time to time. If the Parties fail to reach a consensus on a sole arbitrator, each Party shall appoint one arbitrator and the arbitrators so appointed shall jointly decide on a third arbitrator. The place of arbitration shall be Chennai. The arbitral proceedings shall be in English. The decision of the arbitrator's shall be final and binding on the Parties.”

6. Considering the submissions made by the learned counsel for the petitioner and the respondent and also in view of the fact that the dispute



between the petitioner and the respondent arose out of the aforesaid Agreement and the same can be resolved by virtue of Clause 20 of the said Agreement dated 21.04.2022, this Court is inclined to appoint a Sole Arbitrator to adjudicate the disputes between the parties.

7. Accordingly, this Court feels it appropriate to pass the following order:

i) **Mr.Gautam S.Raman, Advocate, No.89, Kasturi Avenue, MRC Nagar, R.A.Puram, Chennai 600 028, Mobile No.99400 71160**, is appointed as sole arbitrator to enter upon reference and adjudicate the disputes *inter se* the parties.

ii) The learned Arbitrator appointed herein, shall after issuing notice to the parties and upon hearing them, pass an award as expeditiously as possible, preferably within a period of six months from the date of receipt of the Order. The learned Arbitrator is also directed to decide the matter without influenced by the observations made by this Court in the present order.

iii) The learned Sole Arbitrator appointed herein shall be paid fees and other incidental charges, as per Schedule IV of the Act and the same shall be borne by the parties equally. In



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the event of non-appearance of the respondent, the petitioner shall bear the entire remuneration and other expenses and thereafter, the petitioner can recover the same directly from the respondent and vice versa.

8. This Arbitration Original Petition is ordered accordingly, leaving the parties to bear their own costs. Since this Court has appointed an Arbitrator, it is open to the petitioner as well as the respondent to seek other reliefs under the provisions of Arbitration and Conciliation Act 1996 before the Arbitrator.

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Speaking/Non-speaking order

Index : Yes / No

Neutral Citation: Yes / No

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Note: Issue order copy on 09.08.2024



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KRISHNAN RAMASAMY.J.,

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