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O.S.A. (CAD) No.52 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.12.2024

CORAM :

THE HON'BLE MR. K.R. SHRIRAM, CHIEF JUSTICE

AND

THE HON'BLE MR. JUSTICE SENTHIL KUMAR RAMAMOORTHY

O.S.A. (CAD) No.52 of 2023

and C.M.P.Nos.24279 of 2024, 11460 & 11461 of 2023

and

Arbitration O.P.No.538 of 2024

Hemant Nanda

... Appellant in
OSA and Respondent
in Arb.OP.

-VS-

M/s.Mercedes-Benz Services India Pvt. Ltd.,
(Formerly known as Daimler Financial Services
Pvt. Ltd.) Rep. By Authorized Signatory,
Ra.Sivadhara Adiyaman, 5th Floor, Plot No.8,
Baashyam Willow Square 9 & 10, First Street,
Thiru Vika Industrial Estate, Guindy,
Chennai 600 032.

... Respondent in
OSA and Petitioner
in Arb.OP.

Prayer : Appeal filed under Section 13 of Commercial Divisions and



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Commercial Appellate Division of the High Court Act, 2015 read with Order XXXVI Rule II of Original Side Rules against the order dated 15.03.2023 passed in Arb. Appln. No.111 of 2023 on the file of this Court; Arb.OP filed under Section 11(6)(A) of the Arbitration and Conciliation Act, 1996, to appoint an Arbitrator as deemed fit by this Court in accordance with Clause 66 of the Agreement dated 07.03.2022 to adjudicate upon the disputes that have arisen between the parties in relation to the agreement.

For Appellant in
OSA & Respondent
in Arb.OP

: Mr.Saai Sudharsan
for Mr.Sriram Venkatavaradan

For Respondent in
OSA & Petitioner
in Arb.OP.

: Mr.T.Gowri Shankar

* * * * *

JUDGMENT

(Judgment of the Court was delivered by the Hon'ble Chief Justice)

After the matters were heard for some time, the appeal and the Arb.OP are disposed of by consent as under:

- a) Without prejudice to appellant's rights and contentions, appellant
- Hemant Nanda, shall deposit a sum of Rs.19,00,000/- (Rupees



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nineteen lakhs only) with the Registrar-General of this Court, within two weeks from today.

- b) The undertaking of appellant's counsel to deposit this amount within two weeks is accepted;
- c) **Mr.A.K.Rajaraman, Advocate** (MS.2329/2006), having office at No.29, Karpagambal Nagar, Mylapore, Chennai 600 004, Mob. No.: 98472 67642, is appointed as Sole Arbitrator to arbitrate all the disputes between appellant – Mr.Hemant Nanda and respondent – M/s.Mercedes-Benz Services India Pvt. Ltd.;
- d) The fees and administrative expenses of the Arbitrator shall be shared equally between the parties and shall be subject to costs in the arbitral proceedings;
- e) Within one working day of appellant's advocate informing the respondent's advocate with evidence of having deposited the amount of Rs.19,00,000/- as mentioned above, the car shall be handed over to appellant - Hemant Nanda, at the address given in the loan agreement;
- f) Within two weeks of being informed about this order, the Sole Arbitrator shall file a disclosure under Section 12(5) of the



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Arbitration and Conciliation Act, 1996 directly to the advocates for the parties and a copy of the same shall be filed in the Registry along with the records and proceedings;

- g) All rights and contentions are kept open except the issue of arbitrability;
- h) Both Mr.Saai Sudharsan and Mr.T.Gowri Shankar state that their respective clients shall file an affidavit within one week from today confirming the understanding as recorded in this order above and agreeing for the appointment of Mr.A.K.Rajaraman, Advocate, as the Sole Arbitrator.
- i) In view of the above, the application being Arb.O.P.No.538 of 2024 filed under Section 11 of the Act stands disposed of;

There shall be no order as to costs. Consequently, interim applications are closed.

(K.R.SHRIRAM,CJ.)

(SENTHILKUMARRAMAMOORTHY,J.)

10.12.2024

Index : Yes/No



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NC : Yes/No

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To:

The Section Officer,
Records Section, Original Side,
Madras High Court, Chennai.



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THE HON'BLE CHIEF JUSTICE
AND
SENTHILKUMAR RAMAMOORTHY, J.

(sra)

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