



WEB COPY



Arb.O.P (Com.Div.) No. 301 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.09.2024

CORAM

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

Arb.O.P (Com.Div.) No. 301 of 2024

M/s.EDAC Engineering Limited
Rep. By its Whole Time Director
Mr.B.Valavan
Having its registered office at
Old No. 97, New No.88
Mount Road, Guindy
Chennai-600032.

...Petitioner

-VS-

Bava Erectors
D-20/D Italian Avenue
Block 27, Neyveli-607803.

... Respondent

PRAYER: Arbitration Original Petition filed under Section 11(4) of the Arbitration and Conciliation Act, 1996 to appoint an Arbitrator in terms of Section 11(4) of the Arbitration and Conciliation Act, 1996 on behalf of the respondent and to resolve the disputes that have been arisen between the petitioner and the respondent.

For Petitioner : Mr. K.Balamurali
for M/s.Shivakumar & Suresh

For Respondent : Mr.S.Sidhartha Vishnu
for M/s.Krishna Law Associates



ORDER

WEB COPY

This Arbitration Original Petition has been filed under Section 11(4) of the Arbitration and Conciliation Act, 1996 to appoint an Arbitrator in terms of Section 11(4) of the Arbitration and Conciliation Act, 1996 on behalf of the respondent and to resolve the disputes that have been arisen between the petitioner and the respondent.

2. Heard Mr. K.Balamurali, learned counsel for the petitioner and Mr.S.Sidhartha Vishnu, learned counsel for the respondent.

3. The application had been opposed by the learned counsel for the respondent by contending that the respondent had moved the NCLT on 12.08.2024 against the applicant herein for proceedings against the applicant under Section 9 of the Insolvency and Bankruptcy Code, 2016. It is to be noted that the present application had been filed by the applicant on 01.08.2024. However what has been produced before this Court is only a presentation of paper by the respondent against the applicant under Section 9 of the Insolvency and Bankruptcy Code, 2016. Therefore, there is no bar for this Court to appoint an Arbitrator. When



Arb.O.P (Com.Div.) No. 301 of 2024

WEB COPY

this view was expressed, the learned counsel for the respondent also consented for appointment of an Arbitrator and the learned counsel appearing on either side had also accepted the suggestion made by this Court to appoint Hon'ble Mr. Justice V.Parthiban, Former Judge, Madras High Court to be appointed as an Abitrator. In view of the consent given by the respective parties, this Court appoints **Hon'ble Mr. Justice V. Parthiban, Former Judge, Madras High Court, residing at No.5069, 12th Street, Z Block, Anna Nagar, Chennai - 600040** as Sole Arbitrator to enter upon the dispute between the petitioner and the respondent.

4. The learned Sole Arbitrator is entitled to fix his fees as per the Schedule-IV to the Act. This Court further requests the learned Sole Arbitrator to endeavour to decide the dispute as expeditiously as possible.

5 Accordingly, this Arbitration Original Petition is ordered.

04.09.2024

Index :Yes/No
Maya



WEB COPY



Arb.O.P (Com.Div.) No. 301 of 2024

K.KUMARESH BABU, J.

Maya

Arb.O.P. (Com.Div.) No. 301 of 2024

04.09.2024