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Arb.O.P.(Comm.Div.) No.396 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.10.2024

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Arb.O.P.(Comm.Div.) No.396 of 2024

M/s.Newlink Overseas Finance Limited

Rep. by its Director

Mamatha Complex, Second Floor,

New No.25, Whites Road,

Royapettah, Chennai 600 014

Rep. through its Authorised Signatory

P.Viswanathan

... Petitioner

VS.

1.M/s.Thai Educational and Charitable Trust

Rep. by its Managing Trustee Dr.T.Sadhan Thirumalai Kumar,

No.31 & 32, Chidambaram South Street,

Puliyangudi, Tirunelveli District 627 855

2.Dr.T.Sadhan Thirumalai Kumar

3.Dr.Kumari Chandrakantham

4.G.Dhanraj

... Respondents

PRAYER: Arbitration Original Petition filed under Section 14(2) of the Arbitration and Conciliation Act, 1996, pleased to terminate the mandate of the fourth respondent arbitrator immediately and to substitute them with any



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other sole arbitrator in accordance with law.

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For Petitioner : Mr.N.Premkumar

For Respondents

For R1 to 3 : No appearance

For R4 : Mr.N.Suresh

ORDER

By this petition, the petitioner seeks termination of the mandate of the arbitral tribunal. The first respondent availed term loan from the petitioner. On the ground that obligations arising thereunder had not been fulfilled, notice was issued. Therefore, arbitral tribunal was constituted. The applicant states that the fourth respondent-arbitrator is showing lot of leniency and indulgence to the other respondents. This petition is filed in the above facts and circumstances.

2. It is the case of the petitioner that though the petitioner made serious allegations against the fourth respondent- arbitrator, the arbitrator neither denied nor disputed the serious allegations and the contentions set out by the petitioner in the communication dated 14.08.2024. However, the fourth respondent has filed affidavit before this Court denying the allegations.

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3. In view of the above, it is unnecessary to adjudicate this petition on merits. There is an arbitration agreement between the parties providing for the conduct of arbitral proceedings.

4. Accordingly, this petition is allowed by appointing Mr.S.G.Ramesh Kumar, Advocate (M/S 592/1993), having Address – New No.30, Old No.55, 2nd Main Road, RA Puram, Chennai 600 028 (Mobile No.94440 44031) as the sole arbitrator. The sole arbitrator is requested 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. The former arbitrator is called upon to hand over the records of the arbitral proceedings to the arbitrator appointed under this order forthwith.

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Neutral citation:Yes/No

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Index : Yes / No

Internet : Yes / No



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