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Arb.O.P.(Comm.Div.) No.436 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**Dated : 05.12.2024**

**CORAM**

**THE HONOURABLE MR.JUSTICE P.B.BALAJI**

**Arb.O.P.(Comm.Div.) No.436 of 2024**

M/s.Pulkit Metals Private Ltd.,  
Rep by its AGM-Sales & Marketing  
Mr.K.Raffiq Ahamed,  
Door No.11, 1<sup>st</sup> Floor,  
Bye Pass Road, Maposi Nagar,  
Gummidipoondi,  
Thiruvallur District – 601 201.

Also having its registered Office at  
No.163/1, K.Sons Complex,  
1<sup>st</sup> Floor, Prakasam Salai Broadway,  
Chennai – 600 108.

... Petitioner

vs.

S.Sutharson

... Respondent

**PRAYER:** Arbitration Original Petition filed under Sections 11 (4) & 11 (6) of the Arbitration and Conciliation Act, 1996, to appoint a sole arbitrator to redress the disputes between the petitioner and the respondent herein as per the terms and conditions under the various invoices raised against the respondent for the supply of steels, under the Arbitration and Conciliation Act, 1996.



Arb.O.P.(Comm.Div.) No.436 of 2024

For Petitioner : Mr.R.Murugan

For Respondent : Not ready in Notice.

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### **ORDER**

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

2.I have heard Mr.R.Murugan, learned counsel appearing for the petitioner. Despite service of notice on the respondent, none appears today on his behalf. In fact, in the last hearing, this Court had directed the Registry to put up a note regarding the service of notice on the respondent and if served, print the name of the respondent in the cause list on 05.12.2024. Today, the name of the respondent is printed, however, the respondent has not appeared in person or through counsel. Therefore, I proceeded to hear the learned counsel for the petitioner.

3.The learned counsel for the petitioner would take me through the



Arb.O.P.(Comm.Div.) No.436 of 2024

documents filed in support of the above OP and referring to the arbitration clause and seek for appointment of the sole arbitrator to go into the disputes between the petitioner and the respondent as per the terms and conditions and various invoices raised against the respondent for supply of steel.

4.On going through the averments in the petition and also the supporting documents, it is clear that the parties have agreed to resort arbitration proceedings in the event of any disputes arising between them and venues also fixed at Chennai. It is also set out that the dispute is subject to Chennai jurisdiction. Hence, there is no impediment for appointment of arbitrator as prayed for by the learned counsel for the petitioner.

5.The present Original Petition has been filed under Section 11 for appointment of the sole Arbitrator invoking the above referred Clause 31 in the assignment agreement. Accordingly, this Court is inclined to appoint a sole Arbitrator viz., **Mr.P.Ganesan, Retired District Judge, No.778, Judges Colony, Kakithapuram 4<sup>th</sup> Street, S.Kolathur, Kovilambakkam, Chennai – 600 117, Ph.Nos.9600045571, 9600045570**, as the Sole Arbitrator. The sole Arbitrator is directed to enter upon reference and



Arb.O.P.(Comm.Div.) No.436 of 2024

WEB COPY

adjudicate the dispute in accordance with law.

6. The learned Arbitrator is entitled to fix his fees as per the Schedule-IV to the Act. This Court further requests the learned Arbitrator to endeavor to decide the dispute as expeditiously as possible, however, not later than six (6) months from the date of his entering into reference.

7. Accordingly, this Arbitration Original Petition is allowed.

**05.12.2024**

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Index : Yes / No

Internet : Yes / No

**P.B.BALAJI, J.,**

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Arb.O.P.(Comm.Div.) No.436 of 2024

**Arb.O.P.(Comm.Div.) No.436 of 2024**

**05.12.2024**