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Arb.O.P(Com.Div.) No.563 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.01.2024

CORAM :

THE HONOURABLE MR.JUSTICE C.SARAVANAN

Arb.O.P.(Com.Div.) No.563 of 2023

and

A.No.6405 of 2023

1.V.Manikandan

2.S.Arunraj

... Petitioners

Vs.

M/s.Sundaram Finance Limited,

Represented by its Authorized Signatory R.Padma

... Respondent

Prayer: Original Petition is filed under Section 34 of the Arbitration and Conciliation Act, 1996, praying to set aside Award dated 17.07.2023 bearing Arbitration No.SSP/SF (vkt) - 119 of 2023 passed by sole arbitrator Dr.S.S.P.Darwesh in its Sole Arbitrator entirety and to direct the respondent to pay the costs.

For Petitioners

: Mr.S.Ram Prasad

For Respondent

: Mr.B.Thomsondurai

for Mr.M.Arunachalam

ORDER

In this case, the petitioners have challenged the Award passed by the learned Arbitrator on 17.07.2023 on the ground that there is an unilateral appointment.



2. The learned counsel for the respondent submits that the Award may be set aside and an Arbitrator be appointed by this Court to pass a fresh Award on the dispute between the petitioners and the respondent.

3. Recording the same, **Ms.Akshaya Ramadurai, Advocate, Enrollment No.MAH/5997/2013, Mobile No.9619185875, having Office at No.8, 8th Street, Radhakrishnan Salai, Mylapore, Chennai - 600 004**, is appointed as an Arbitrator to enter upon reference to resolve the *inter se* dispute between the parties.

4. The learned Arbitrator appointed herein, shall after issuing notice to the parties and upon hearing them, endeavour to complete the arbitral proceedings and pass an award strictly in accordance with the provisions of the Arbitration and Conciliation Act, 1996, as expeditiously as possible, preferably within a period of twelve months after the date of completion of pleadings under Sub-Section 4 to Section 23 as is contemplated in Section 29A of the Arbitration and Conciliation Act, 1996, without getting influenced by any of the observations made by this Court in this order.



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5. The learned Arbitrator appointed herein shall be paid fees and other incidental charges as may be fixed with the consent of parties or in accordance with the provisions of the Arbitration and Conciliation Act, 1996, and the same shall be borne by the parties equally. In case, the respondent remains *ex parte*, the petitioners shall pay the entire fee and other incidental charges to the Arbitrator and later recover the same from the respondent.

6. This Original Petition is allowed accordingly, leaving the parties to bear their own costs.

7. Since this Court has appointed the Arbitrator, it is open to the petitioners as well as the respondent to seek other reliefs under Section 17 of the Arbitration and Conciliation Act, 1996, before the learned Arbitrator. Connected Application is also closed.

11.01.2024

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation : Yes/No

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