



WEB COPY



Arb.O.P. (Com.Div.) No.584 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2024

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

Arb.O.P.(Com.Div.)No.584 of 2023

Mindgate Solutions Private Limited
Represented by its Authorised Representative,
Office at:
13th and 14th Floor, Damji Shamji Business Galleria,
Lal Bahadur Shastri Marg,
Kanjurmarg West,
Mumbai – 400 078.

.. Petitioner

Vs.

Equitas Small Finance Bank Limited,
4th Floor, Phase – 2,
Spencer Plaza,
769, Anna Salai,
Chennai – 600 002.

.. Respondent

Prayer: Original Petition is filed under Section 11(5) and (6) of the Arbitration and Conciliation Act, 1996, read with Rule 2 of the Appointment of Arbitrators of Madras High Court Scheme, 1996, praying to appoint a sole Arbitrator to resolve the disputes between the petitioner and the respondent in terms of the Service Agreement, or in the alternative, appoint the second arbitrator on account of failure of the respondent to nominate an arbitrator in terms of the Arbitration Clause; and the two arbitrators so nominated to jointly appoint the presiding arbitrator for adjudication of all disputes that have arisen between the



Arb.O.P. (Com.Div.) No.584 of 2023

parties out of and/or in connection with and/or relating to the Service Agreement.

For Petitioner : M/s.Peehu Singh for
M/s.Dhwaj and Associates
For Respondent : Mr.Cibi Vishnu

ORDER

This petition has been filed under Section 11(5) of the Arbitration and Conciliation Act, 1996 read with Rule 2 of the Appointment of Arbitrators of Madras High Court Scheme, 1996, to appoint a sole Arbitrator to resolve the disputes between the petitioner and the respondent in terms of the Service Agreement, or in the alternative, appoint the second arbitrator on account of failure of the respondent to nominate an arbitrator in terms of the Arbitration Clause; and the two arbitrators so nominated to jointly appoint the presiding arbitrator for adjudication of all disputes that have arisen between the parties out of and/or in connection with and/or relating to the Service Agreement.

2. Both the parties consent for appointment of **Hon'ble Mr.Justice K.Kannan, Former Judge, Punjab and Haryana High Court**, as an Arbitrator to resolve the dispute between the parties.



WEB COPY

3. The parties are at liberty to workout the venue for Arbitration at Chennai.

4. The Court is inclined to pass the following order:-

(i) **Hon'ble Mr.Justice K.Kannan, Former Judge, Punjab & Haryana High Court, (Mobile No.:9780008145)** residing at **New No.3/11, Lakshmi Colony, North Crescent Road, T.Nagar, Chennai – 600 017,** is appointed as an Arbitrator to enter upon reference and adjudicate / resolve the *inter se* dispute between the parties.

(ii) 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 29-A of the Arbitration and Conciliation Act, 1996, without getting influenced by any of the observations made by this Court in this order.



(iii) 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 remain *ex parte*, the petitioner shall pay the entire fee and other incidental charges to the Arbitrator and later recover the same from the respondent.

5. The Original Petition is allowed with the above observations, leaving the parties to bear their own costs.

6. Since the Court has appointed an Arbitrator, it is open to the petitioner as well as the respondent to seek other reliefs under Section 17 of the Arbitration and Conciliation Act, 1996, before the learned Arbitrator.

06.02.2024

jas

Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No



WEB COPY



Arb.O.P. (Com.Div.) No.584 of 2023

C.SARAVANAN, J.

jas

Arb.O.P.(Com.Div.)No.584 of 2023

06.02.2024