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Arb.O.P.(Comm.Div.) No.504 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.12.2024
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THE HONOURABLE MR.JUSTICE P.B.BALAJI

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Mindgate Solution Private Limited,
Represented by its Director
Office at 14th Floor, DamjiShamji
Business Galleria,
Lal Bahadur Shastri Marg, Kanjumarg 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: Arbitration Original Petition filed under Sections 11 (6) of the Arbitration and Conciliation Act, 1996 to appoint a Substitute Sole Arbitrator for and behalf of the petitioner and respondent to enter reference of and adjudicate upon the disputes between the parties under the MSA; Allow the cost of the petition in favour of the petitioner and against the respondent.

For Petitioner : Mr.Gaurav Dhvaj
for M/s.Dhwaj and Associates



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For Respondent : Mr.P.Giridharan

ORDER

The above petition has been filed under Section 11(5) and 11(6) r/w Section 15(2) of the Arbitration and Conciliation Act, 1996, to appoint a Substitute Sole Arbitrator for and behalf of the petitioner and the respondent to enter reference and adjudicate upon the disputes between the parties.

2.I have heard Mr.Gaurav Dhvaj, for M/s.Dhwaj and Associates, learned counsel for the petitioner and Mr.P.Giridharan, learned counsel for the respondent.

3.In and by a Service Agreement dated 15.09.2022, the parties had agreed upon referring the disputes to the arbitration. In fact, subsequent to the disputes arising between the parties, the petitioner invoked the arbitration clause by notice dated 22.08.2023, nominating a former Judge of



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this Court to act as a Sole Arbitrator. The respondent, by reply, sent a E-mail dated 25.08.2023 and refused to agree to the nominees proposed by the petitioner. The petitioner therefore filed the present petition before this Court and by order dated 06.02.2024, this Court appointed Mr.Justice K.Kannan, Former Judge, Punjab & Haryana High Court, as Sole Arbitrator with the consent of both the parties. However, pending arbitration proceedings, the Sole Arbitrator recused himself and terminated his mandate on 11.10.2024, thereby necessitating the present original petition for appointment of a Substitute Sole Arbitrator.

4.Mr.P.Giridharan, learned counsel appearing for the respondent would submit that he has no objection for appointment of a Substitute Sole Arbitrator in view of Justice Mr.K.Kannan recusing himself.

5.Considering the above and the nature and scope of the disputes between the parties, I hereby appoint **Mr.Rajiv Shakdher, Former Chief Justice (Retd), High Court of Himachal Pradesh, as the Sole Arbitrator, Mob.No.9717495004, E.Mail address *rajivshakdher62@gmail.com***. The sole Arbitrator is directed to enter upon reference and adjudicate the dispute



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in accordance with law.

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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 nine (9) months from the date of his entering into reference.

7. Accordingly, this Arbitration Original Petition is allowed.

12.12.2024

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Index : Yes / No

Internet : Yes / No



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P.B.BALAJI, J.,

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