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Arb.O.P (Com.Div.) No.54 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.04.2025

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THE HON'BLE Mr. JUSTICE ABDUL QUDDHOSE

Arb.O.P (Com.Div.) No.54 of 2025

Fuso Glass India Private Limited

... Petitioner

Versus

1.Hooch Auto Components

2.Mehaboob S Khazi

3.Sayed Mahmood Qazi

... Respondents

Prayer: Arbitration Original Petition (Commercial Division) filed under Section 11(6)(A) & (C) of the Arbitration and Conciliation Act, 1996 to appoint a Sole Arbitrator to resolve the disputes between the petitioner and the respondent in terms of the Invoices from 02.03.2021 to 12.04.2021.

For Petitioner : Mr.H.Siddarth

For Respondents : Exparte

ORDER

This petition has been filed under Section 11 of the Arbitration and Conciliation Act, seeking for the appointment of an Arbitrator by this Court.



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2.The petitioner had supplied materials to the respondents and has raised various Invoices, which are dated between 02.03.2021 and 12.04.2021 on the respondents. The Invoices have been filed as documents along with this petition. All the Invoices contain an arbitration clause and the same is extracted hereunder:

'4.All disputes shall be subject to Arbitration. There shall be sole Arbitrator nominated by FGIPL. Seat of arbitration at Chennai.'

3.The petitioner has invoked arbitration in accordance with the arbitration clause contained in all the Invoices by issuing notice to the respondents on 17.01.2024 to comply with the requirement of Section 21 of the Arbitration and Conciliation Act, 1996. No reply has been received from the respondents to the same.

4.Since there is no consensus between the parties with regard to the name of the Arbitrator, the petitioner has filed this petition under Section 11 of the Arbitration and Conciliation Act, 1996 seeking for appointment of an Arbitrator by this Court.



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5.The name of the third respondent is printed in the cause list as directed by this Court. Till date, no one has entered appearance on behalf of the third respondent. This Court had earlier set exparte R1 and R2 through this Court's order dated 03.04.2025. Hence, the third respondent is also set exparte.

6.Since there exists an arbitration clause in the Invoices, which are dated between 02.03.2021 and 12.04.2021, which are the subject matters of the dispute between the parties and since the petitioner has complied with the requirement of Section 21 of the Arbitration and Conciliation Act by issuing notice to the respondents on 17.01.2024 and since the respondents are set exparte by this Court and since there is no consensus between the parties with regard to the name of the Arbitrator, this Court will have to necessarily appoint an Arbitrator under Section 11 of the Arbitration and Conciliation Act, 1996.



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ABDUL QUDDHOSE, J.

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7.For the foregoing reasons, this Arbitration Original Petition is allowed by issuing the following directions:

(a)This Court appoints Mr.J.Aditya Reddy, Advocate, having address at No.21/11, PS Sivasamy Salai, Mylapore, Chennai - 600 004, Mobile No.98848 11101 as the Sole Arbitrator to adjudicate the dispute between the petitioner and the respondents, arising out of the Invoices which are dated between 02.03.2021 and 12.04.2021, on merits and in accordance with law;

(b)The Arbitrator shall be paid his remuneration/fees in accordance with the 4th Schedule of the Arbitration and Conciliation Act, 1996;

(c)Both the parties shall equally share the Arbitrator's fees;

(d)The Arbitrator shall conduct the arbitration in accordance with the provisions of the Arbitration and Conciliation Act, 1996 and shall complete the arbitration within the specified time as prescribed under the said Act.

No costs.

07.04.2025

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