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Arb.O.P (Com.Div.) No.23 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.06.2025

CORAM

THE HON'BLE Mr. JUSTICE ABDUL QUDDHOSE

Arb.O.P (Com.Div.) No.23 of 2025

Sanjay Lalwani

... Petitioner

VS.

1.Mr.Hemakumar

2.Mrs.H.Banumathy

... Respondents

Prayer : Arbitration Original Petition (Commercial Division) filed under Section 11(6) of the Arbitration and Conciliation Act, 1996, praying to,

a) Appoint an arbitrator to adjudicate the dispute between the petitioner and the respondents in terms of Loan Agreement dated 14.05.2018.

b) Direct the Respondents to pay costs and

c) Grant such further relief as this Hon'ble Court may deem fit under the circumstances of the case and thus render justice.

For petitioner

: Mr.Anirudh A Sriram

For Respondents

: Set ex-parte



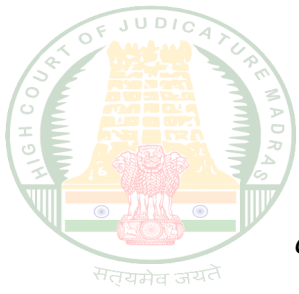
ORDER

WEB COPY This petition has been filed under Section 11 of the Arbitration and Conciliation Act, 1996, seeking for appointment of sole Arbitrator by this Court.

2. The petitioner has effected Substituted Service on the respondents by way of paper publication. The paper publication, along with the Affidavit of Service has also been filed. The names of the respondents 1 and 2 are also printed in the cause list today. Till date, no one has entered appearance on behalf of the respondents. Hence, the respondents 1 and 2 are set *ex-parte* by this Court.

3. There seems to be a dispute between the petitioner and the respondents arising out of the loan agreement dated 14.05.2018. There exists an Arbitration Clause in the loan agreement dated 14.05.2018 and the same is extracted hereunder:

“a. In Case, if any differences/dispute arises, All the disputes, differences and/or claims arising out of this agreement whether during its subsistence or thereafter shall be settled by Arbitration in accordance with the provision of the arbitration and conciliation act, 1996 or any statutory amendments thereof and shall be referred to the Sole Arbitrator as governed under the Arbitration and



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conciliation act.

b. The award given by such an arbitrator shall be final and binding on all the parties to this agreement. The venue of the arbitral proceeding will be at Chennai and the language for the arbitration proceedings shall be English, this agreement shall be construed in accordance with the laws of India.”

4. The petitioner has invoked arbitration in accordance with the Arbitration Clause by issuing notice to the respondents on 25.10.2024 to comply with the requirements under Section 21 of the Arbitration and Conciliation Act, 1996. No reply has been sent by the respondents for the same.

5. Since there exists an Arbitration Clause in the contract, which is the subject matter of the dispute between the parties and since the petitioner has complied with the requirements under Section 21 of the Arbitration and Conciliation Act, 1996 by issuing notice to the respondents on 25.10.2024 and since there is no consensus between the parties with regard to the name of the Arbitrator, this Court has to necessarily appoint an Arbitrator under Section 11 of the Arbitration and Conciliation Act, 1996.



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6. For the foregoing reasons, this Arbitration Original Petition is

allowed as prayed for by issuing the following directions :-

a) This Court appoints Mr.Abishek Jenasenan, Advocate, having office at No.15, Old No.6, Deivasigamani Street, Royapettah, Chennai – 600 014, (Mobile No.9600000036) is appointed as the sole Arbitrator to adjudicate the dispute between the parties arising out of the loan agreement dated 14.05.2018.

(b) The Arbitrator shall be paid his/her 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.

10.06.2025

Index: Yes/ No

Speaking order / Non speaking order

Neutral citation : Yes / No

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ABDUL QUDDHOSE, J.



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