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Appln.No.289 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **17-04-2025**

CORAM

THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE

Appln.No.289 of 2025

in

Arb.O.P.(Com.Div.).No.477 of 2024

M/s. Unicon Engineers,
Rep. by its Managing Partner P.ponram,
Bharathi Road,
Chinnavedampatty Post,
Coimbatore - 641 049

..Applicant

vs.

The General Manager,
Cordite factory,
Aruvankadu,
The Nilgiris - 643 202

..Respondent

For Applicant : Mr.B.Manoharan

For Respondent : Mr.K.Subbu Ranga Bharathi

ORDER

This application has been filed seeking for transfer of Arbitration O.P.No.23 of 2024 from the file of the District Court, Nilgiris, Udgamandalam, to the file of this Court.

2. Arb.O.P(Com.Div.)No.477 of 2024 has been filed by the claimant. Arb.O.P.No.23 of 2024 has been filed by the respondent in the arbitration. The Petitioner in Arb.O.P.23 of 2024 on the file of the District Court, Nilgiris as



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well as the Petitioner in Arb.O.P.(Com.Div.)No.477 fo 2024 on the file of this

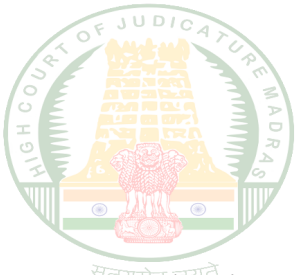
Court have challenged the very same arbitral award.

3. The following facts are undisputed.

(a) The arbitral award was passed only at Chennai by the sole Arbitrator.

The Arbitrator is an Advocate of this Court and he was appointed pursuant to the orders passed by this Court based on a reference made by MSME Council. The petitioner is in Coimbatore. The arbitration is a statutory arbitration as per the provisions of Section 18(3) of the MSME Act. As per the supply orders , Arbitrator will have to be appointed unilaterally by the respondent in Arb.O.P.(Com.Div.)No.477 of 2024 which is pending on the file of this Court. On account of the said fact, the petitioner in Arb.O.P.No.477 of 2024 has approached MSME Council for appointment of an Arbitrator. The conciliation also failed. The MSME Council made a reference to this Court and based on the said reference, this Court had appointed an Arbitrator who has passed the impugned arbitral award. Both the parties have challenged the very same arbitral award.

4. The respondent in Arb.O.P.(Com.Div.).No.477 of 2024 has challenged



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the impugned arbitral award before the Principal District Court, Nilgiris, whereas the petitioner in Arb.O.P.No.477 of 2024 has challenged the very same arbitral award before this Court under Section 34 of the Arbitration and Conciliation Act. Since the arbitration is a statutory arbitration and held only at Chennai, this Court is of the considered view that no prejudice would be caused to the respondent in Arb.O.P.No.477 of 2024 for transfer of Arb.O.P.No.23 of 2024 from the file of the District Court, Nilgiris and clubbed along with Arb.O.P.No.477 of 2024 pending on the file of this Court and heard together by this Court. Even though objections have been raised by the respondent in Arb.O.P.No.477 of 2024 for transfer of Arb.O.P.No.23 of 2024 to the file of this Court, the said objections have to be rejected since the arbitration conducted by the Arbitrator under the impugned arbitral award is a statutory arbitration and the award was also passed only at Chennai by the said Arbitrator and forum convenience is only Chennai .

5. For the foregoing reasons, in the interest of both the parties to the dispute, Application No.289 of 2025 filed by the petitioner in O.P.No.477 of 2024 seeking for transfer of Arb.O.P.No.23 of 2024 to the file of this Court and

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heard together with Arb.O.P.(Com.Div.)No.477 of 2024 has to be allowed as prayed for. Accordingly, Application No.289 of 2025 is allowed as prayed for. Arb.O.P.No.23 of 2024 pending on the file of the District Court, Nilgiris. Udagamandalam, is transferred to the file of this Court and it will be heard along with Arb.O.P.(Com.Div.).No.477 of 2024 which is now pending on the file of this Court. The Registry is directed to act accordingly.

Post the matter on 18.06.2025.

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vsi

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