



O.S.A. (CAD) No.24 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.03.2025

CORAM

THE HON'BLE MR.K.R.SHRIRAM, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE MOHAMMED SHAFFIQ

O.S.A. (CAD) No.24 of 2025
and C.M.P.No.3730 of 2025

M/s.Ashok Leyland Limited,
Rep. by its President-LCV,
Mr.Nitin Seth, No.1, Sardar Patel Road,
Guindy, Chennai 600 032.

.. Appellant

-VS-

M/s.Sun Motors
Rep. by its Managing Partner,
Mr.Rakesh Ramesh Mirje,
Having Office at Gat No.144, Halondi,
Tal-Hatkanangle, Kolhapur - 416103
And Head Office at C.S.No.1475/76,
C/o.Auto India Madhavnagar Road,
Sangli 416416.

.. Respondent

Prayer: Appeal filed under Section 13 of the Commercial Courts Act, 2015 read with Order XXXCI Rule 9 of the O.S. Rules read with Clause XV of the Letters Patent against the Judgment dated 13.12.2024 passed in Arb.O.P. (Com. Div.) 54 of 2021 on the file of original side of this Court.

For Appellant : Mr.Kuberan
for Rank Associates
For Respondent : Mr.J.Ravikumar

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JUDGMENT

(Judgment of the Court was delivered by the Hon'ble Chief Justice)

After hearing the counsels, it appeared, appellant was more upset with the Arbitrator appointed by the learned Single Judge, because the counsels submitted that the Court under Section 34 of the Arbitration and Conciliation Act, 1996, cannot appoint an arbitrator to rehear the matter.

2. When the Court suggested to the two counsels that it would save time and effort if both of them agreed and suggested a common name to be the Sole Arbitrator to go into all the issues that were raised in the arbitral proceedings, both counsels suggested that Shri Harishankar, an Advocate practicing in this Court and who was present in Court, be appointed as the Sole Arbitrator. Both counsels also undertake to file a memo to this effect during the course of this week.

3. Accordingly, **Shri.Harishankar, Advocate, having office at 9th Floor, Capitale, No.554-555, Anna Salai, Teynampet, Chennai-600 018, Contact No:98410 76561**, is appointed as the Sole Arbitrator to arbitrate



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on all issues which were the subject matter before the earlier Sole Arbitrator. Shri.Harishankar shall file a declaration as required under Sections 11(8) and 12(1) of the Arbitration and Conciliation Act, 1996, with the Advocates appearing for the parties directly and a copy thereof be filed in the Registry for completion of records. The fees, administrative expenses and typing charges, if any, shall be equally shared between the parties and shall be subject to costs of the arbitral proceedings.

Appeal is, accordingly, disposed of. There shall be no order as to costs. Consequently, the interim application is closed.

(K.R.SHRIRAM, C.J.)

(MOHAMMED SHAFFIQ, J.)

03.03.2025

Index : Yes/No
Neutral Citation : Yes/No
sra

To

1. Shri.Harishankar, Advocate,
9th Floor, Capitale, No.554-555, Anna Salai,
Teynampet, Chennai-600 018, Contact No:98410 76561
2. The Section Officer,
VR Section, Original Side,
Madras High Court, Chennai.



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The Hon'ble Chief Justice
and
Mohammed Shaffiq, J.

(sra)

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