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Arb.O.P. No.3 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.04.2025

CORAM

THE HON'BLE Mr. JUSTICE ABDUL QUDDHOSE

Arb.O.P. No.3 of 2025

K.Kathiravan

... Petitioner

Versus

M/s.Tower Vision India Private Limited

... Respondent

Prayer: Arbitration Original Petition filed under Section 15(1)(a) of the Arbitration and Conciliation Act, 1996 to change the Arbitrator in accordance with Section 15(1)(a) of the Arbitration and Conciliation Act, 1996 and direct the respondent to pay the petitioner costs of the instant petition.

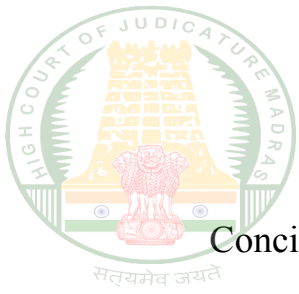
For Petitioner : Mr.C.Munusamy

For Respondent : Set exparte

ORDER

Notice sent to the respondent has been duly served. The affidavit of service enclosing the acknowledgment card has been filed. The name of the respondent is also printed in the cause list today.

2.This petition has been filed under Section 15 of the Arbitration and



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Conciliation Act, seeking for change of the Arbitrator.

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3.The Arbitrator, appointed earlier by this Court through this Court's order dated 26.03.2024 in Arb.O.P. No.14 of 2024, has expressed his un-willingness to proceed with the arbitration due to unavoidable circumstances. The email sent by the Arbitrator dated 24.10.2024 to the petitioner and the respondent has been filed along with this petition. The respondent has not entered appearance in this petition despite effecting substituted service. Hence, the respondent is set exparte by this Court.

4.Since the Arbitrator has expressed his un-willingness to proceed with the arbitration due to unavoidable circumstances, this Court has to necessarily substitute the Arbitrator by appointing another Arbitrator.

5.For the foregoing reasons, this petition is allowed by issuing the following directions:

a)This Court substitutes Dr.P.Vasudevan, Advocate, having address



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at No.20, New No.47, St. Marys Road, Raja Annamalaipuram, Chennai -

600 028, Mobile No.94440 49042 as the Sole Arbitrator in the place of

Mr.A.E.Ravichandran, Advocate to adjudicate the dispute between the petitioner and the respondent, arising out of the License Deed dated 20.01.2021, on merits and in accordance with law;

(b)The Substituted 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.

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ABDUL QUDDHOSE, J.
vga

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