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Arb.O.P (Com.Div.) No.163 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.06.2025

CORAM

THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE

Arb.O.P. (Com.Div.) No.163 of 2025

M/s.Tidel Park Limited,
rep. by Sandeep Nanduri

.. Petitioner

vs

M/s.Genebloc Pvt. Ltd.,
rep. by its Managing Director E.Pradeep Kumar .. Respondent
Prayer: Arbitration Original Petition (Commercial Division) filed under
Section 11(6) of the Arbitration and Conciliation Act, 1996 to appoint a
Sole Arbitrator as per Article XXIV of the Licence Deed to resolve the
dispute arising out of the Licence Deed dated 09.03.2022 and several
communications by the respondent.

For Petitioner : M/s.Dilip R.Misser
for Ms.Jayanthi

For Respondent : Set exparte

ORDER

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



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2. There seems to be a dispute between the petitioner and the respondent arising out of the Licence Deed dated 09.03.2022. There exists an arbitration clause in the Licence Deed dated 09.03.2022, which is extracted hereunder:

'a. Any dispute or difference between the Parties with regard to this Licence Deed and all connected and related matters whatsoever shall be discussed and settled amicably. In the event of any failure to resolve the disputes or differences amicably, all such disputes or differences whatsoever, shall be referred to arbitration. The arbitration proceedings shall first be conducted in English and in accordance with the provisions of Indian Arbitration and Conciliation Act 1996 or any statutory modification or enactment thereof. The venue of arbitration shall be Chennai.

b. The Parties have agreed that the sole arbitrator will be appointed mutually by both the Parties. The arbitration proceedings will be on a fast track. Any of the Parties going for arbitration will submit its claim petition and documents to the arbitrator within one (1) week of the reference being made to the arbitrator, with a copy to the other Party. The other Party will submit its counter arguments and its documents to the arbitrator after serving a copy to the party opting for arbitration, within one (1) week thereafter. The parties can file



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their further replies or documents within one week thereafter.

Immediately after the 3rd week, the sole arbitrator will endeavor to commence the hearing on the 22nd day and will endeavor to go on with the hearing of the case from day to day without any adjournment, as far as possible. The sole arbitrator will also endeavor to give his award as early as possible.

c.The arbitration proceedings will be completed as far as possible within 40 days from the date of reference. The decision of the arbitrator will be final and binding on the parties.'

3.The petitioner has invoked arbitration in accordance with the arbitration clause by issuing notice to the respondent on 12.07.2024 to comply with the requirements of Section 21 of the Arbitration and Conciliation Act, 1996. The said notice has been returned unserved.

4.As directed by this Court, the petitioner has effected Substituted Service on the respondent by effecting paper publication. An affidavit of service enclosing the paper publication has also been filed. The name of the respondent has also been printed in the cause list today. Despite effecting paper publication, no one has entered appearance on behalf of the respondent. Hence, the respondent is set exparte by this Court.



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5.Since there is no consensus between the parties with regard to the name of the Arbitrator and since there exists an arbitration clause in the Licence Deed dated 09.03.2022 which is the subject matter of the dispute and since the petitioner has complied with the requirements of Section 21 of the Arbitration and Conciliation Act, 1996 by issuing notice to the respondent on 12.07.2024 and since the respondent has been set exparte by this Court, this Court has to necessarily appoint an Arbitrator as prayed for in this petition.

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

(a)This Court appoints Mr.N.S.Amogh Simha, Advocate, having address at No.86/193, 3rd Floor, T.T.K.Road, Alwarpet, Chennai - 600 018, Mobile No.96772 11516 as the Sole Arbitrator to adjudicate the dispute between the petitioner and the respondent, arising out of the Licence Deed dated 09.03.2022, on merits and in accordance with law;



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(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.

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ABDUL QUDDHOSE, J.

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