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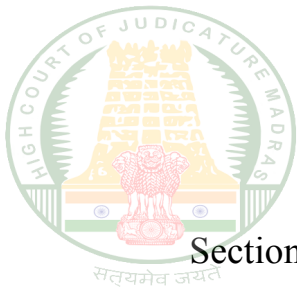
Application No.1442 of 2025
in
Arb.O.P.(Comm.Div.)No.562 of 2024

P.B. BALAJI. J.

This Application is filed to recall the order dated 19.12.2024 passed in Arb.O.P.(Comm.Div.)No.562 of 2024.

2. Heard the learned Additional Advocate General Mr.M.Suresh Kumar, appearing for Tambaram City Municipal Corporation and Mr.Vinod Nagula, the learned counsel for Bank of Baroda.

3. The learned Additional Advocate General Mr.M.Suresh Kumar, would submit that in Section 11 Petition, no notice was served on the applicant, who is now seeking to recall the order of appointment of the Sole Arbitrator. He would further contend that the applicant has a good case on merits to contest the Section 11 Petition, seeking appointment of Arbitrator. Without going into the merits of the defence that may be available to the applicant, on going through the records, I find that in the Section 11 petition, no notice was ordered to any of the respondents and the affidavit of service that has been filed in the Section 9 Petition has been put up in the



Section 11 OP and based on that the respondents have been called and set

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exparte and orders came to be passed. Therefore, I have absolutely no hesitation in recalling the said order dated 19.12.2024. However, at the same time, considering the fact that pursuant to my order appointment a Retired Judge of this Court has commenced the arbitration proceedings and the matter is now posted to 21.04.2025, the Registry shall place Arb.O.P.(Comm.Div.) No.562 of 2024 before the Judge, who is hearing Section 11 O.P. Petition, as per roster. Post the Arbitration O.P. on 26.03.2025.

20.03.2025

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