



Arb.O.P.(Com. Div.) No.314 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.08.2025

CORAM

THE HON'BLE MR. JUSTICE **ABDUL QUDDHOSE**

Arb.O.P.(Com. Div.) No.314 of 2025

M/s.Sai Ram Agency,
Rep. by its Managing Partner,
Mr.Srinivasan,
No.26, 3rd Cross, 2nd Floor,
Jayam Nagar, Uruvaiyar,
Pondicherry – 605 110.

... Petitioner

Vs.

The Mission Director,
Pondicherry State Health Society,
Mission Secretariat, 2nd Floor,
Victor Simonal Street, Health Directorate Complex,
Pondicherry.

... Respondent

PRAYER: Petition filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 read with Section 2(1)(c)(xviii) and Section 7 and 10(2) of the Commercial Courts Act, 2015, pleased to appoint a Sole Arbitrator to decide and adjudicate upon the dispute between the petitioner and respondent arising out of Rate contract dated 07.06.2019.

For Petitioner : M/s.Shoaib Fazil S
for M/s.Vandana Parasuram
For Respondent : Mr.Ramasamy Meyyappan



ORDER

WEB COPY This petition has been filed under Section 11 of the Arbitration and Conciliation Act, 1996, seeking for appointment of an Arbitrator by this Court.

2. There seems to be a dispute between the petitioner and the respondent, arising out of the rate contract dated 07.06.2019. There exists an arbitration clause in the notice inviting e-tender dated 23.10.2018, pursuant to which, the petitioner was awarded the contract dated 07.06.2019. The arbitration clause found in the notice inviting e-tender dated 23.10.2018 is reproduced hereunder:

"DISPUTE SETTLEMENT

It is mutually agreed that all difference and disputes arising out of or in connection with this tender shall be settled by mutual discussions and negotiations. If such disputes and differences cannot be settled and resolved by discussions and negotiations then the same shall be referred to the Arbitrator appointed in accordance with provisions of Arbitration and Conciliation Act, 1996, whose decision shall be final and binding on both the parties.

The legal jurisdiction will be within the Union



Territory of Puducherry"

WEB COPY

3. The petitioner has invoked arbitration in accordance with the arbitration clause by issuing notice to the respondent on 28.09.2024 to comply with the requirements of Section 21 of the Arbitration and Conciliation Act, 1996. The respondent has sent a reply on 19.11.2024.

4. Till date, counter has not been filed by the respondent. Since sufficient opportunity has been granted to the respondent to file counter, no further indulgence can be shown by this Court for the purpose of filing counter.

5. Since there exists an arbitration clause in the contract, which is the subject matter of the dispute between the parties and since the petitioner has invoked arbitration in accordance with the arbitration clause by complying with the requirements of Section 21 of the Arbitration and Conciliation Act, 1996 and since there is no consensus between the parties with regard to the name of the arbitrator, this Court has to necessarily appoint an Arbitrator as prayed for in this petition, leaving it open for the respondent to raise all objections, which includes



the arbitability of the dispute before the arbitrator.

WEB COPY

6. Accordingly, this Arbitration Original Petition is allowed as prayed for by issuing the following directions:

(a) Mr.Kishore Balasubramanian, Advocate, who is having office at No.1, 2nd Floor, Ankur Plaza, G.N.Chetty Road, T.Nagar, Chennai – 17 (Mobile No.99621 57571) is appointed as the sole Arbitrator to decide the dispute between the petitioner and the respondent arising out of the rate contract dated 07.06.2019;

(b) The Arbitrator shall be paid his remuneration / fees in accordance with the 4th schedule of the Arbitration and Conciliation Act, 1996 or as per the mutual consent of both the parties;

(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.



Arb.O.P.(Com. Div.) No.314 of 2025

7. Liberty is granted to the respondent to file an application under

WEB COPY

Section 16 of the Arbitration and Conciliation Act, 1996 and the same shall be adjudicated by the arbitrator in accordance with law.

18.08.2025

Index : Yes/No
Speaking Order : Yes / No
Neutral Citation Case: Yes / No
sp



WEB COPY



Arb.O.P.(Com. Div.) No.314 of 2025

ABDUL QUDDHOSE. J.

sp

Arb.O.P.(Com. Div.) No.314 of 2025

18.08.2025