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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-09-2025

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

Arb O.P No. 9 of 2025

Prasanna Kumar, M/60
S/o.Late Sri.Vishwanath
M.H, No.B-301,Mantri Woodlands,
Bannerghatta Road,Near Food World
Arekere Gate,South Bangalore,
Karnataka-560076.
(Now Residing at. No Oak 2143, Sobha
Forest View, 100 Vajarahalli Road,
Bangalore-560109.)

Petitioner

Vs

1. M/s GEFCO India Pvt Ltd
Represented by its Director,
No.15A,GMC Plaza, ABC Purnanagar,
Chikhali Road,Chinchwat,
Pune,Maharashtra-411019
(And Also. No.9,Olympia Teknos Park,
No.28,SIDCO Industrial Estate,
Chennai,Tamilnadu-600032.)



2.Mr.Emmanuel Cheremetinski,
Director, M/s.GEFCO India Pvt.Ltd., A
Company duly incorporated Under the
Companies Act as amended,
Having Its Indian Corporate office at.
No 9, Olympia Teknos Park, No 28,
SIDCO Industrial Estate, Chennai,
Tamil Nadu-600032.

3.Mr.Emmanuel Cheremetinski,
Director, M/s GEFCO CEVA R/a 4,
rue paul Lafargue, 92800, Puteaux
France.

Respondent(s)

PRAYER

Petition filed under Section 11(6) of Arbitration and Conciliation Act, 1996, to appoint an arbitrator as per the terms of the Arbitration and Conciliation Act, 1996 to resolve the issue, claims and differences between the parties as per mutually agreed Employment Agreement dated 01.02.2019.

For Applicant(s): R.Rajesh

ORDER

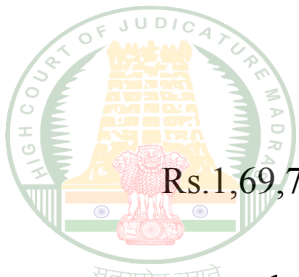
This Arb.OP has been filed under Section 11(6) of Arbitration and Conciliation Act, 1996, [hereinafter referred to as 'the Act'] for appointment of an Arbitrator as per the Employment Agreement dated 01.09.2019.



2. The notice that was sent to the respondents was returned and this Court by an order dated 06.8.2025, directed the petitioner to effect substituted service by paper publication. Pursuant to this order, paper publication has been effected and affidavit of service has been filed. Thus, the service is complete and there is no representation for the respondents either in person or through counsel.

3. This Court heard the learned counsel for the petitioner and carefully perused the materials available on record.

4. The case of the petitioner is that the 1st respondent offered job to the petitioner at Chennai and he was designated as the project director. Thereafter, the 1st respondent Company, considering the performance of the petitioner, designated him as a Chief Executive Officer and Managing Director through revised employment agreement dated 01.02.2019. The relationship between the petitioner and the respondents ran into rough weather and as a result, the petitioner was terminated from service on 12.10.2023. There were exchange of notices between the parties, wherein the petitioner was seeking for a claim of



Rs.1,69,70,330/- under various heads. Since this amount was not paid and the respondents were not willing to refer the dispute for arbitration, the present application was filed before this Court for appointment of arbitrator under the employment agreement dated 01.02.2019.

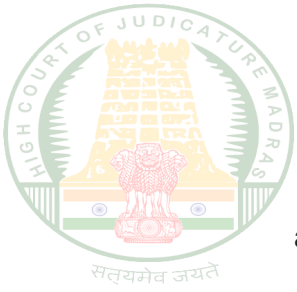
5. Even when notice was issued by this Court, on 30.04.2025, this Court took note of the relevant Clause in the agreement and the following order came to be passed by this Court:

This petition has been filed under Section 11 of the Arbitration and Conciliation Act, 1996 (in short "the Act") seeking for appointment of an Arbitrator by this Court.

2. There seems to be a dispute between the petitioner and the respondents arising out of the Employment Agreements dated 26.03.2018 and 01.02.2019. There exists an arbitration clause in both the agreements and the same is extracted hereunder:-

"IV. RESOLUTION OF DISPUTES AND REMEDIES:

In the event of any dispute or difference in any way or manner arising out of, in relation to or in connection with this agreement, the same shall be decided by a sole arbitrator in accordance with the Arbitration and Conciliation Act, 1996. The seat of the arbitration shall be at Chennai."



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3. The petitioner has invoked arbitration in accordance with the arbitration clause by issuing notice to the respondents on 21.09.2024 to comply with the requirements of Section 21 of the Act. A reply has also been received by the petitioner from the respondents to the arbitration invocation notice. There is no consensus between the parties with regard to the name of the arbitrator.

4. Since the employment agreements referred to supra contain an arbitration clause and since the petitioner has complied with the statutory requirements of Section 21 of the Act by issuing notice to the respondents and since there is no consensus between the parties with regard to the name of the arbitrator, this Court is issuing notice to the respondents through Court as well as privately returnable by 19.06.2025.

6. Taking into consideration the facts and circumstances of the case and the materials placed before this Court, this Court proceeds to appoint a sole Arbitrator. Accordingly, Mr. Sanjay Pinto, Advocate (residing at No.5, Manasarovar, 1st Floor, 60, C.P. Ramaswamy Road, Alwarpet, Chennai 600018, Mobile No. 9840091547, 9884091547, legal @ sanjaypinto.com) is appointed as the sole Arbitrator and the Arbitrator is requested to enter upon reference qua the Employment Agreement dated 01.02.2019, adjudicate the arbitral dispute that were arising between the parties by holding the sittings in any venue in Chennai to the convenience of all concerned and render an award. Fees of the



sole Arbitrator shall be in accordance with the Madras High Court Arbitration

Centre (MHCAC)(Administrative Cost and Arbitrator's Fees) Rules 2017.

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7.This Arb. OP is disposed of in the above terms. There shall be no order
as to costs.

01-09-2025

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

KP



To
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1. Mr.Sanjay Pinto, Advocate
Residing at No.5, Manasarovar,
1st Floor, 60, C.P.Ramaswamy Road,
Alwarpet, Chennai 600018, .

Mobile No.9840091547, 9884091547,
legal @ sanjaypinto.com)

2. The Director
Tamil Nadu Mediation and Conciliation
Centre-cum-Ex-Officio Member
Madras High Court Arbitration Centre
Chennai - 104.



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N.ANAND VENKATESH J.
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