



WEB COPY



Arb.O.P (Com.Div.) No.210 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.07.2025

CORAM

THE HON'BLE Mr. JUSTICE ABDUL QUDDHOSE

Arb.O.P (Com.Div.) No.210 of 2025

M/s.Shriram Finance Limited

... Petitioner

Versus

1.M/s.Shiva Overseas

2.Shatrughan Tiwari

3.Shashi Tiwari

... Respondents

Prayer: Arbitration Original Petition (Commercial Division) filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 to appoint a Sole Arbitrator to adjudicate upon the differences and disputes between the parties under the said agreement dated 06.06.2024 in respect of account bearing No.PRMCLPIDANC0059.

For Petitioner : Ms.Soundaravalli N.

ORDER

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



WEB COPY

2. There seems to be a dispute between the petitioner and the

respondents arising out of the Master Facility Agreement dated 06.06.2024.

The respondents had availed loan from the petitioner and they have committed default in the re-payment of loan. In the said agreement, there exists an arbitration clause, which is extracted hereunder:

'Dispute Resolution- This Agreement and its performance shall be governed by and construed in all respects in accordance with the laws of the Republic of India. Any dispute relating to the Facility hereunder, or in respect of any rights, liabilities and obligations arising out of this Agreement shall be resolved by arbitration by a sole arbitrator appointed by SFL. The arbitration proceedings shall be carried out in accordance with the provisions laid down by the Arbitration and Conciliation Act, 1996, as amended from time to time and follow the procedure laid down under the rules enacted thereunder and the place of arbitration shall be Chennai. The arbitration proceedings shall be conducted in the English language. The Borrower shall bear the costs of the arbitrator's fees and the costs of the legal counsel engaged for the purposes of the arbitration by the parties.'



WEB.COM

3.The petitioner has also invoked arbitration in accordance with the arbitration clause by issuing a notice to the respondents as per the provisions of Section 21 of the Arbitration and Conciliation Act, 1996 on 28.10.2024. No reply has been received for the same.

4.The respondents have been duly served with the notice in this petition. The affidavit of service enclosing the delivery reports has also been filed. The names of the respondents are also printed in the cause list today. However, the respondents remain un-represented. Hence, the respondents are set exparte by this Court.

5.Since the Master Facility Agreement dated 06.06.2024 contains an arbitration clause and since the petitioner has complied 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 and since the respondents have been set exparte, 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:



Arb.O.P (Com.Div.) No.210 of 2025

ABDUL QUDDHOSE, J.
vga

WEB COPY

(a) This Court appoints Hon'ble Mr. Justice T. Ravindran, Former Judge of this Court, having Office at New No.27, Old No.12, 3rd Avenue, Indira Nagar, Adyar, Chennai - 600 020 (Mobile Nos.99413 50926/94443 99700) as the Sole Arbitrator to adjudicate the dispute arising out of the Master Facility Agreement dated 06.06.2024, on merits and in accordance with law;

(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.

01.07.2025

vga

Arb.O.P (Com.Div.) No.210 of 2025