



Arb.O.P(Com.Div.) No.229 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 22.09.2025

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Arbitration Original Petition (Com.Div.) No.229 of 2025

M/s. Redington Limited,
(formerly known as Redington (India) Limited)
Represented by its Deputy General Manager - Legal Mr.S.Hariprasad
SPL Guindy House,
95, Mount Road,
Chennai - 600 032.
Having their registered office at
"Block 3, Plathin, Redington Tower,
Inner Ring Road, Saraswathy Nagar West,
4th Street, Puzhuthivakkam,
Chennai - 600 091.

....Petitioner

Vs.

1. M/s.S.S.Marketing and Services,
Represented by its Partners,
Having Office at No.9, Jubilee Road, West Mambalam,
Chennai - 600 033.
2. Mr.S.Sathyanarayanana
S/o.Mr.N.Swaminathan
3. Mr.S.Saravanan,
S/o.Mr.S.Subramanian
4. Mr.J.Selvadurai
S/o.Mr.Jebadoss
5. Mr.K.Suresh Babu
S/.Mr.M.Kothandam



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6. Mrs.S.Kamatchi,
W/o.K.Suresh Babu

7. Mr.R.Saravanakumar,
S/o.Mr.R.Rangaraj

8. Mr.C.S.Pradeep Kumar,
S/o.Mr.K.Sampath

... Respondents

Prayer:

Arbitration Original Petition (Commercial Division) petition filed under Section 11(6)(a) of the Arbitration and Conciliation Act, 1996, to constitute an Arbitral Tribunal by appointing an Arbitrator in accordance with the Arbitration Clause (Clause 20) under Invoice Nos.C711301, C712297, C712370 & C711603 dated 11/10/2013, 26/10/2013, 28/10/2013 & 17/10/2013, wherein parties had agreed to refer the disputes to Arbitration.

For Petitioner : Mr. S.S.Rajesh

For Respondents : R1, R5, R6 & R7 (set *Ex-parte*)

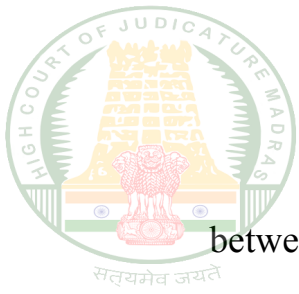
Mr.T.Thiyagarajan [R2 & R3]

Mrs.K.M.Vatsala [R4]

No appearance [R8]

ORDER

This petition has been filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 [for brevity, hereinafter referred to as 'the Act'] for appointment of a sole Arbitrator to decide the dispute



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between the parties under Arbitration Clause 20 available under Invoice
Nos. C711301, C712297, C712370 & C711603 dated 11/10/2013,
26/10/2013, 28/10/2013 & 17/10/2013.

2. Heard Mr. S.S.Rajesh, learned counsel appearing on behalf of the petitioner, Mr.T.Thiyagarajan, learned counsel appearing on behalf of the second and third respondents and Mrs.K.M.Vatsala, learned counsel appearing on behalf of fourth respondent.

3. The case of the petitioner is that the respondents approached the petitioner and offered to be a dealer of HCL, Acer Computers and TFT monitors, which are the products sold by the petitioner. Accordingly, the petitioner was supplying the goods to the firm since the year 2004 onwards. Thereafter, under four invoices the respondents have committed default in payment, which are tabulated hereunder:

<i>Invoice No.</i>	<i>Invoice Date</i>	<i>Total Invoice amount</i>	<i>Amount outstanding under the Invoice</i>
C711301	11-OCT-2013	Rs.10,68,975.00	Rs.10,00,192.99
C711603	17-OCT-2013	Rs.7,22,275.00	Rs.7,12,660.00
C712297	26-OCT-2013	Rs.3,60,550.00	Rs.3,60,550.00
C712370	28-OCT-2013	Rs.3,65,800.00	Rs.3,65,800.00
Total Outstanding Amount			Rs.24,39,203/-



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4. A total outstanding of Rs.24,39,203/- became due and payable to the petitioner. In view of the same, a pre-arbitration notice dated 26.01.2014 came to be issued to the respondents to pay the outstanding amount, failing which, the same will be adjudicated by an Arbitrator named by the petitioner.

5. The Arbitral Tribunal was constituted and the sole Arbitrator was appointed and notice were served on the respondents. The learned Arbitrator passed an *ex-parte* award dated 20.11.2017 directing the respondents to pay the outstanding of Rs.24,39,203/- along with interest.

6. The above order came to be challenged before this Court in Arb.O.P(com.div.)No.325 of 2023. This petition was disposed of by an order dated 29.02.2024 and the relevant portions are extracted hereunder:

"3. The challenge to the impugned Award is also on the ground that ex parte Award has been passed without proper notice to either on the petitioners or on the second and third respondents.

4. The learned counsel for the second and third respondents would also draw attention to e-mail dated



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05.03.2014 of the first respondent to the partners of the Firm, which stood reconstituted on 01.10.2013, which was replied back by one R.Saravana Kumar, the Managing Partner of M/s.S.S.Marketing and Services.

5. It is therefore submitted that despite the same, arbitration proceedings have been initiated against the petitioners and the second and third respondents, who had no longer partners of the said Firm.

6. Prima facie, there are indications that the arbitration proceedings initiated against the petitioners and the second and third respondents are contrary to law inasmuch as these persons ceased to be the partners of the Firm at the time of cause of action. In any event, it appears that the entire arbitration proceedings has been initiated without proper notice to the petitioners and the respondents.

7. Under these circumstances, the impugned Award dated 20.11.2017 is set aside leaving open the parties to workout their remedy as also the persons name in the Reconstitution Partnership Deed dated 01.10.2013 in accordance with the provisions of the Arbitration and Conciliation Act, 1996.

8. The time spent between 26.12.2014 wherein, Section 21 Notice was issued and the proceedings pending before this Court shall stand excluded for the purpose of computation of limitation under Section 43 of the



Limitation Act, 1963."

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7. Pursuant to the above order, the trigger notice under Section 21 of the Act was issued on 08.08.2024. On receipt of the same, a reply notice was issued by the respondents 2 to 4. Thereafter, the present petition came to be filed before this Court.

8. This Court carefully considered the submissions made on either side and the materials available on record.

9. The learned counsel appearing on behalf of the respondents 2 to 4 submitted that the second and third respondents retired on 31.03.2002 and the fourth respondent retired on 23.01.2012 and thereafter, the partnership firm was reconstituted. Thereby, the respondents 7 and 8 alone continued as partners. The transaction between the petitioner and the firm pertained to the year 2013, at which point of time, the respondents 2 to 4 were not even the partners of the firm.

10. The learned counsel appearing on behalf of the petitioner submitted that the issue that has been raised by the respondents 2 to 4



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touches upon the merits of the case and it cannot be gone into in a petition filed under Section 11(6) of the Act.

11. When the earlier petition was disposed of on 29.02.2024, this Court gave a finding to the effect that the arbitration proceedings initiated as against the respondents 2, 3, 4 and 5 are concerned, is contrary to law inasmuch as these persons ceased to be partners of the firm at the time of cause of action.

12. Having rendered such a finding, this Court gave liberty to the petitioner to issue fresh notice under Section 21 of the Act and also made it clear that the time spent between earlier arbitration notice and the order passed in the Original Petition will stand excluded for the purpose of computation of limitation.

13. The above order passed by the learned single Judge has become final and has not been put to challenge.

14. In the light of the above finding given by the learned single Judge, the petitioner cannot proceed further as against the respondents 2 to 5. In the above order, it is also made it clear that it will be left open to



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the parties to work out their remedy as against the persons named in the reconstituted partnership deed dated 01.10.2013. If this observation is taken into account, at the best, the petitioner can only proceed against the respondents 6 to 8. However, it is brought to the notice of this Court that the sixth respondent passed away. In view of the same, the petitioner can only proceed as against the firm and respondents 7 and 8, who are the partners under the reconstitution partnership deed 01.10.2013.

15. The notice has been served on respondents 7 and 8 and their names are also printed in the cause list and there is no appearance either in person or through counsel.

16. In the light of the above discussions, the present petition is dismissed insofar as respondents 2 to 5 are concerned and it stands abated insofar as sixth respondent is concerned. Hence, the petitioner can proceed further with the arbitration proceedings as against the first respondent, which is the partnership firm and respondents 7 and 8, who are the partners as per the reconstituted partnership deed dated 01.10.2013.



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17. Hence, this Court is inclined to appoint a sole Arbitrator.

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Accordingly, Ms.S.Rajeni Ramadass, Advocate, residing at New No.323, Old No.157, 1st floor, Linghi Chetty Street, George Town, Chennai - 600 001, Mobile Nos.9884335538, E-mail: rajeni@rajeniassociates.in is appointed as the sole Arbitrator. The learned Arbitrator is requested to enter upon a reference qua Reconstitution Partnership Deed dated 01.10.2013 to adjudicate the arbitral dispute that were arising between the parties by holding the sittings in any venue at Chennai to the convenience of all concerned and render an award. The fees of the learned Arbitrator shall be in accordance with the Madras High Court Arbitration Centre (MHCAC)(Administrative Cost and Arbitrator's Fees) Rules 2017.

Accordingly, this application is allowed in the above terms.

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N.ANAND VENKATESH, J.

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