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Arb.O.P.(Com. Div.) No.320 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.02.2025

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THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

Arb.O.P.(Com. Div.) No.320 of 2024

Fuso Glass India Pvt. Ltd.

... Petitioner

Vs.

Airflow Equipment (India) Pvt. Ltd.

... Respondent

PRAYER: Petition filed under Section 11 of the Arbitration and Conciliation Act, 1996 to appoint a sole arbitrator to adjudicate the dispute between the petitioner and the respondent and to direct the respondent to pay the cost.

For Petitioner : Ms. M. Sheela

For Respondent : Mr.G. Saibaba

ORDER

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



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2. There seems to be a dispute arising out of invoices raised by the petitioner on the respondent, which have been filed as documents along with this petition. The invoices are dated between 30.12.2021 and 17.04.2023. The terms and conditions of the invoices, more particularly condition No.4, stipulates that in case of any dispute, the dispute will have to be referred to arbitration by the appointment of a sole arbitrator.

3. The petitioner has invoked arbitration by issuing notice on 15.01.2024, calling upon the respondent to accept for arbitration. The said notice has been received by the respondent. Since there is no consensus between the parties with regard to the naming of the arbitrator, the petitioner has been constrained to file this petition under Section 11 of the Arbitration and Conciliation Act, seeking for appointment of an arbitrator by this Court.

4. Till date, no counter has been filed by the respondent. The learned counsel appearing for the respondent through video conferencing would also submit that the respondent does not have any serious objection for allowing this petition.



5. Since there is no consensus between the parties with regard to the name of the arbitrator and the subject matter of the dispute viz., the invoices, also contains an arbitration clause and further, the petitioner having complied with the statutory requirement of issuing notice as per Section 21 of the Arbitration and Conciliation Act, this Court will have to necessarily appoint an arbitrator.

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

(a) Mr. S. Venkatesan, Advocate , who is having office at No.24, 3rd Avenue, Indira Nagar, Adyar, Chennai - 600 020 (Mobile No.98410 41367) is appointed as the sole Arbitrator to decide the dispute between the petitioner and the respondent arising out of the invoices dated between 30.12.2021 and 17.04.2023;

(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;



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(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.

12.02.2025

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