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Arb.O.P.(Comm.Div.) No.299 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on: 20.01.2025

Pronounced on:24.01.2025

CORAM

THE HONOURABLE **MR.JUSTICE P.B.BALAJI**

Arb.O.P.(Comm.Div.) No.299 of 2024

CIPACA Healthcare Services Private Limited,
Represented by its Managing Director,
Dr.Raja Amarnath

... Petitioner

VS.

MEDHININAMO HEALTH CARE SERVICES
PRIVATE LIMITED,
Rep. by its Director,
Dr.Anupam Kamalnarayan Jaiswal

... Respondent

PRAYER: Arbitration Original Petition filed under Sections 11 (6) of the Arbitration and Conciliation Act, 1996 to constitute an Arbitral Tribunal to decide the dispute between the parties in accordance with the Clause 9 of the Agreement to Provide Comprehensive Medical Services dated 07.07.2022, Clause 5 of the Deed of Indemnity dated 07.07.2022 and Clause 4 of the agreement for Business Development and Referrals dated 07.07.2022.



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For Petitioners : Ms.M.Meenatchi

For Respondent : Mr.N.K.Vanan

ORDER

This Arbitration Original Petition has been filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 (hereinafter called as 'the Act') to constitute an Arbitral Tribunal to decide the dispute between the parties in accordance with Clause 9 of the Agreement to Provide Comprehensive Medical Services dated 07.07.2022, Clause 5 of the Deed of Indemnity dated 07.07.2022 and Clause 4 of the agreement for Business Development and Referrals dated 07.07.2022.

2. Heard Ms.M.Meenatchi, learned counsel for the petitioner and she would submit that the petitioner issued statutory legal notices on 14.02.2024 & 21.02.2024, but no reply has been received from the respondent. Mr.N.K.Vanan, learned counsel who had originally entered appearance on behalf of the respondent in the above Arbitration Original Petition, subsequently filed a memo dated 12.12.2024, withdrawing his appearance and reported no instructions. The respondent is set exparte.

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3. I have heard the learned counsel for the petitioner. The learned counsel for the petitioner would take me through the Arbitration Clauses in all the three Agreements dated 07.07.2022. The parties have agreed to resolve their differences and disputes by resorting to Arbitration and that the said arbitration proceedings would be held at Chennai. The Agreements provide for Arbitration and the petitioner has also rightly invoked Section 21 of the Arbitration and Conciliation Act, 1996 by issuance of notice to the respondent. The learned counsel for the Petitioner would further submit that the dispute that has arisen and the claims that have been made in this petition revolve only around the agreement to provide comprehensive medical services and therefore, only one Arbitration Original Petition is being filed, even though there are two other agreements which are arising out of the said agreement to provide comprehensive medical services. Therefore, the petitioner is entitled to seek appointment of a sole arbitrator to adjudicate the disputes between the petitioner and the respondent in terms of the said Agreements.



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4. I am satisfied with the existence of Arbitration Agreements between the parties. Considering the nature of the dispute, I appoint **Mr.Niranjan Rajagopalan, Advocate, having office address at III-A, High Court Chambers, Madras High Court, Chennai – 600 104, Cell: 93818 03616, E.Mail:-niranjan30690@gmail.com** as sole Arbitrator to go into the disputes between the parties and attempt to amicably resolve the same. The learned counsel for the petitioner is directed to communicate the said appointment to the learned Arbitrator to expedite the proceedings.

5. The learned Arbitrator is entitled to fix his fees as per the Schedule-IV to the Act. This Court further requests the learned Arbitrator to endeavor to decide the dispute as expeditiously as possible, however, not later than six (6) months from the date of his entering into reference.

6. Accordingly, this Arbitration Original Petition is allowed.

24.01.2025

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Speaking/Non-speaking order
Index : Yes / No

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Neutral Citation: Yes/No



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P.B.BALAJI, J.,

rkp

Pre-delivery Order in
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