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Arb.O.P.(Com. Div.) No.340 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **26.03.2025**

CORAM

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

Arb.O.P.(Com. Div.) No.340 of 2023

TICEL Bio Park Limited

... Petitioner

Vs.

Rajeswaran

... Respondent

PRAYER: Petition filed under Section 11 of the Arbitration and Conciliation Act, 1996 to appoint an arbitrator to adjudicate the dispute between the petitioner and the respondent in terms of the lease deed dated 19.03.2019 and to direct the respondent to pay the cost.

For Petitioner : Mr.D. Prajeish
for M/s. King and Partridge.

ORDER

By this Court's order dated 02.08.2023, this Court had directed the Registry to place the matter before this Court for further hearing only for the payment of stamp duty and penalty as determined by the Collector under Section 31 of the Indian Stamp Act, 1899. This Court had passed the said



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order pursuant to the decision rendered by the Honourable Supreme Court in the case of *M/s.N N Global Mercantile (P) Ltd. Vs. Indo Unique Flame Ltd.* reported in **2023 SCC Online SC 495**. However, the position has now been changed in view of the Constitution Bench Judgment rendered in *N N Global case* reported in **2023 SCC Online SC 1666**, that while deciding an application under Section 11 of the Arbitration and Conciliation Act, there is no necessity for this Court to decide as to whether the document has been properly stamped or not.

2. In view of the subsequent development, the learned counsel for the petitioner seeks permission of this Court to withdraw this petition, but, however, seeks liberty for the petitioner to file a fresh petition seeking for appointment of an arbitrator by this Court under Section 11 of the Arbitration and Conciliation Act.

3. No prejudice would be caused to the respondent if such a direction is issued by this Court. There has also been no representation on the side of the respondent today. Accordingly, this petition is dismissed as not pressed. However, liberty is granted to the petitioner to file a fresh petition on the



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same cause of action under Section 11 of the Arbitration and Conciliation

Act, seeking for appointment of an arbitrator by this Court in view of the

subsequent decision rendered by the Constitution Bench of the Honourable

Supreme Court.

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Index : Yes/No

Speaking Order : Yes / No

Neutral Citation Case: Yes / No

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ABDUL QUDDHOSE. J.,

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