



WEB COPY

Arb O.P(COM.DIV.) No. 381 of
2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-09-2025

CORAM

THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

Arb O.P(COM.DIV.) No. 381 of 2025

M/s.SUBHAM FREIGHT CARRIERS
INDIA PRIVATE LIMITED
Represented by its Director
Mr.Sundararaj Ponnusamy, Having its
registered office at SF,391/ 3BI, 5A,
6A, 4A, Ezhichur, Kancheepuram,
Shriperambudur Taluk, Tamil Nadu,
India-631 605

Petitioner

.Vs.

1. M/s.SOMASUNTHRAM
NIRANJAN NANTHAGOPAN
Aged 58 years,S/o.Sithamparanatha
Chettiar Somasunthram
A Sri Lankan National Holding NIC
No.661O00716V
Residing at No.25,Arethusa Lane, 06-
03 Maruthi Court,Colombo-00600,
Wellawatte,Sri Lanka.
Also at. 109,Tampins Road,Fortune
Park, 06-01 Singapore-535131.



2.M/s.INDSRI HOLDINGS PTE LTD.,
Rep by its Director, Mr.Somasundaram
Niranjana Nanthagopan 3, Shenton Way,
07-04, Shenton House,
Singapore-068805.

3.M/s.INDSRI FERRY SERVICES
PRIVATE LIMITED
Rep by its Director, 35, Subham Illam,
Kumudham Salai, Annamalai Nagar
Main Road, Trichy-620018.

4.M/s.SIVAGANGAI FERRY
SERVICES PRIVATE LIMITED,
Rep by its Director, 35, Subham Illam,
Kumudham Salai, Annamalai Nagar
Main Road, Trichy-620018.

Respondent(s)

PRAYER

Petition filed under Section 11(5) of the Arbitration and Conciliation Act,
to appoint an arbitrator in accordance with clause 6.4 of the Memorandum of
Understanding for Transfer of Shares dated 20.09.2024 to adjudicate upon the
disputes that have arisen between the parties in relation to the said Agreement.

For Petitioner(s): Mr. Adarsh Ramanujan

For Respondent(s): No Appearance



ORDER

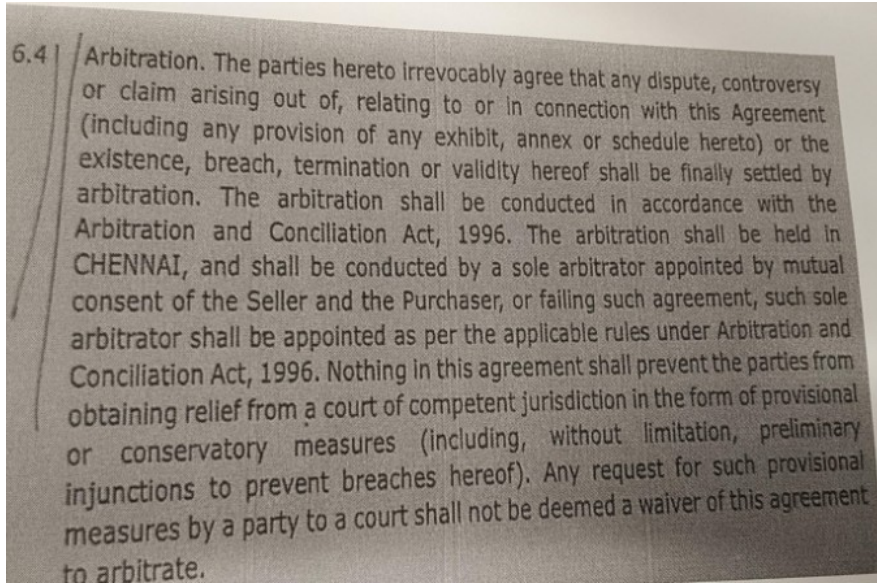
WEB COPY

This petition has been filed under Section 11(5) of the Arbitration and Conciliation Act, 1996 [hereinafter referred as 'the Act'] for appointment of an Arbitrator to decide the disputes between the parties in accordance with Clause 6.4 of the Memorandum of Understanding for Transfer of Shares dated 20.09.2024.

2. When the matter came up for hearing on 09.07.2025, this Court passed the following order:

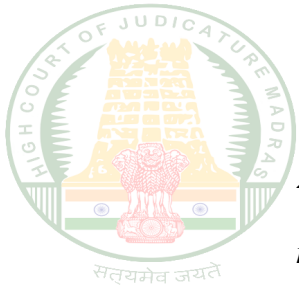
This petition has been filed under Section 11 of the Arbitration and Conciliation Act, seeking for appointment of an arbitrator by this Court.

2. There seems to be a dispute between the petitioner and the respondents, arising out of the Memorandum of Understanding dated 20.09.2024. In the said agreement, there exists an arbitration clause, which is extracted hereunder:



3. The petitioner has invoked arbitration in accordance with the arbitration clause by issuing notice to the respondents on 04.01.2025 to comply with the requirements of Section 21 of the Arbitration and Conciliation Act, 1996. No reply has been received for the same. Since the respondents have not agreed for arbitration, the petitioner has filed this petition under Section 11 of the Arbitration and Conciliation Act, 1996, seeking for appointment of an arbitrator by this Court.

4. Since there exists an arbitration clause in the contract, which is the subject matter of the dispute between the parties and since the petitioner has invoked arbitration in accordance with the arbitration clause by complying with the requirements of Section



WEB COPY

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, this Court is issuing notice to the respondents, returnable by 14.08.2025. Private notice is also permitted.

3.The respondents have been issued with notice and their names have also been printed in the cause list. There is no representation either in person or through counsel.

4.Heard the learned counsel for the petitioner and carefully perused the materials available on record.

5.This Court is convinced that there is a valid agreement arising out of the Memorandum of Understanding dated 20.09.2024, between the parties in line with Section 7 of the Act and agreement also contains the arbitration Clause.

6.Taking into consideration the facts and circumstances of the case and the materials placed before this Court, this Court proceeds to appoint a sole



Arbitrator. Accordingly, Mr.N.L.Rajah, Senior Advocate [(Office No.8, Fourth
Street, Venkateswara Nagar, Adyar, Chennai 600020, Mobile No.9841013617)

WEB COPY

(Chambers: IV High Court Chambers, High Court, Chennai 600 104, Phone:
25342691)] is appointed as the sole Arbitrator and the Arbitrator is requested to
enter upon reference qua the Memorandum of Understanding dated 26.12.2022,
adjudicate the arbitral dispute that were arising between the parties by holding
the sittings in any venue in Chennai to the convenience of all concerned and
render an award. Fees of the sole Arbitrator shall be in accordance with the
Madras High Court Arbitration Centre (MHCAC)(Administrative Cost and
Arbitrator's Fees) Rules 2017.

7.This Arb. OP is disposed of in the above terms. There shall be no order
as to costs.

22-09-2025

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

KP



Arb O.P(COM.DIV.) No. 381 of
2025



WEB COPY

To

1.Mr.N.L.Rajah
Senior Advocate
[(Office No.8, Fourth Street
Venkateswara Nagar, Adyar
Chennai 600020.

2. The Director
Tamil Nadu Mediation and Conciliation
Centre-cum-Ex-Officio Member
Madras High Court Arbitration Centre
Chennai - 104.



WEB COPY

Arb O.P(COM.DIV.) No. 381 of
2025



N.ANAND VENKATESH J.

kp

**Arb O.P(COM.DIV.) No. 381 of
2025**

22.09.2025

22-09-2025