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Arb.O.P (Com.Div.) No.366 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.08.2025

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THE HON'BLE Mr. JUSTICE ABDUL QUDDHOSE

Arb.O.P (Com.Div.) No.366 of 2025

Peppermint Private Limited

... Petitioner

Versus

J.Phanindra Kumar

... Respondent

Prayer: Arbitration Original Petition (Commercial Division) filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 to appoint a Sole Arbitrator to decide the disputes between the petitioner and the respondent arising out of the MOU dated 17.10.2022 and its subsequent Addendum and to direct the respondent to pay the costs of the petition.

For Petitioner : Mr.A.P.Balaji

For Respondent : Set Exparte

ORDER

Notice has been duly served on the respondent in this petition. The same was also recorded by this Court earlier. On the last hearing date, Mr.M.Sivavarthanan, learned counsel undertook to file vakalat on behalf of



the respondent. The name of the respondent is also printed in the cause list

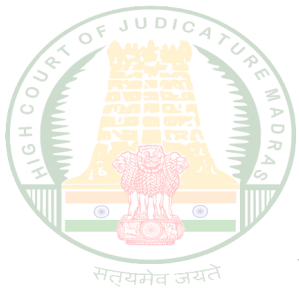
today. However, there is no representation on the side of the respondent.

Counter has not been filed by the respondent. Hence, the respondent is set exparte by this Court.

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

3.There seems to be a dispute between the petitioner and the respondent arising out of the Memorandum of Understanding dated 17.10.2022. There exists an arbitration clause in the Memorandum of Understanding dated 17.10.2022. The same is re-produced hereunder:

'6.The provisions of this Acknowledgment shall, in all respects, be governed by and construed in accordance with the laws of India. Subject to Clauses of this Acknowledgment of Debt and Repayment, parties agrees that the Courts at Mumbai shall have exclusive jurisdiction in relation to this Agreement. Any and all dispute arising out of this Agreement or in any manner touching upon it, the same shall be resolved through Arbitration by the sole Arbitrator to be appointed under the provisions of Arbitration and Conciliation (Amendment)Act, 2019. The seat of arbitration shall be at Chennai and proceedings shall be conducted in English. The arbitration



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proceedings shall be governed by the Arbitration and Conciliation (Amendment) Act, 2019. The Arbitral Tribunal's award shall be substantiated in writing and the parties shall submit to the Arbitral Tribunal's Award which shall be enforceable in any competent court of law. '

4.The petitioner has invoked arbitration in accordance with the arbitration clause by issuing notice to the respondent on 04.12.2024 to comply with the requirements of Section 21 of the Arbitration and Conciliation Act. A reply has been sent by the respondent for the arbitration invocation notice on 20.12.2024.

5.Since there exists an arbitration clause in the agreement, which is the subject matter of the dispute between the parties and since there is no consensus between the parties with regard to the name of the Arbitrator and since the petitioner has complied with the requirements of Section 21 of the Arbitration and Conciliation Act, 1996 and since the respondent has been set exparte by this Court, this Court has to necessarily appoint an Arbitrator as prayed for in this petition.



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ABDUL QUDDHOSE, J.
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6.For the foregoing reasons, this Arbitration Original Petition is allowed by issuing the following directions:

(a)This Court appoints Hon'ble Mr.Justice D.Krishnakumar, Former Chief Justice of Manipur High Court, having address at No.13/7, 12th East Street, Kamaraj Nagar, Thiruvanmiyur, Chennai - 600 041, Mobile No.94455 00225 as the Sole Arbitrator to adjudicate the dispute arising out of the Memorandum of Understanding dated 17.10.2022, on merits and in accordance with law;

(b)The Arbitrator shall be paid his remuneration/fees in accordance with the 4th Schedule of the Arbitration and Conciliation Act, 1996;

(c)Both the parties shall equally share the Arbitrator's fees;

(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.

No costs.

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