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Arb.O.P (Com.Div.) No. 415 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.07.2025

CORAM

THE HON'BLE Mr. JUSTICE ABDUL QUDDHOSE

Arb.O.P (Com.Div.) No. 415 of 2025

Mr.Ravi Mohan

... Petitioner

vs.

M/s.Bobby Touch Gold Universal Private Ltd.
Door No.12/18A, Padmanaba Nagar
Coimbatore Aerodrome, Coimbatore South
Coimbatore-6410140.

... Respondent

Prayer : Arbitration Original Petition (Commercial Division) filed under Section 11(6) of the Arbitration and Conciliation Act, 1996, praying (a) to appoint a sole arbitrator to adjudicate the disputes between the petitioner and the respondent arising under Agreement dated 24.09.2024; and (b) direct the respondent to pay the cost.

For petitioner : Mr.S.Karthikei Balan

For Respondent : Mr.P.S.Raman, Senior Counsel
For Mr.Vijayan Subramanian

ORDER

This petition has been filed under Section 11 of the Arbitration and Conciliation Act, 1996, seeking for appointment of sole Arbitrator by this Court.



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2. There seems to be a dispute between the petitioner and the respondent arising out of the Agreement dated 24.09.2024. There exists an Arbitration Clause in the Agreement dated 24.09.2024 and the same is extracted hereunder:

“11.1 Governing Law and Jurisdiction:

11.1. It is irrevocably agreed between the parties that all disputes, differences, controversies or claims including claims in tort whatsoever arising out of or in connection or concerning this agreement or in respect of any defined legal relationship associated therewith or derived therefrom, shall be referred to and finally resolved by a Sole Arbitrator to be appointed by filing a petition before Hon'ble Madras High Court.”

3. The petitioner has invoked arbitration in accordance with the Arbitration Clause by issuing notice to the respondent on 17.06.2025. A reply has also been received from the respondent on 27.06.2025 to the same.



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4. Both counsels on instructions would submit that they are agreeable for the appointment of an arbitrator by this Court.

5. In view of the existence of an Arbitration clause in the Agreement dated 24.09.2024, which is the subject matter of the dispute between the parties and since the petitioner has complied with the requirements under Section 21 of the Arbitration and Conciliation Act, 1996 by issuing notice to the respondent on 17.06.2025 and since there is no consensus between the parties with regard to the name of the Arbitrator, this Court has to necessarily appoint an Arbitrator under Section 11 of the Arbitration and Conciliation Act, 1996.

6. For the foregoing reasons, this Arbitration Original Petition is allowed as prayed for by issuing the following directions :-

a) This Court appoints Justice Mr.M.Sathyannarayanan, having residing at 32(148), Flat No.7F9, 7th Floor, Bhaasyaam Plutus Residence, Lattice Bridge Road, Thiruvannamiyur, Chennai-600 041, Mobile No.94454-43300 / 94980-22255 as the sole Arbitrator to adjudicate the dispute between the parties arising out of the Agreement dated 24.09.2024.



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WEB COPY (b) The Arbitrator shall be paid his/her 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.

23.07.2025

Index: Yes/ No
Speaking order / Non speaking order
Neutral citation : Yes / No

Maya



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ABDUL QUDDHOSE, J.

Maya

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