



WEB COPY

Arb.O.P.(Com.Div.)No.365 to 367 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 28.01.2025
Pronounced on : 31.01.2025

CORAM

THE HONOURABLE MR.JUSTICE P.B.BALAJI

Arb.O.P.(Com.Div.) No.365 to 367 of 2024

Arb.O.P.(Com.Div.)No.365 of 2024:

M/s.Newlink Overseas Finance Limited,
Rep. by its Director,
Mamatha Complex, Second Floor,
New No.25, Whites Road,
Royapettah, Chennai – 600 014
Rep. by its Authorised Signatory
Mr.P.Viswanathan

... Petitioner

VS.

1.M/s.K.S.R & Co.,
Rep. by its Partner Mr.S.Rguraman,
Mettu Street, Thenkodipakkam Village,
Vanoor Taluk, Kiliyanur (via)
Villupuram District – 604 102.

2.Mr.S.B.Chandrasekaran
3.Mrs.R.Malliga,
Partner – KSR & Co.,

... Respondents

PRAYER: Arbitration Original Petition filed under Sections 11(6)(a) of the Arbitration and Conciliation Act, 1996, to appoint a Sole Arbitrator to adjudicate the dispute between the petitioner and the respondents in terms



of the Loan cum Hypothecation Agreement A/c.No.Hyp/003/2012-2013
dated 07.05.2012.

WEB COPY

Arb.O.P.(Com.Div.)No.366 of 2024:

M/s.Newlink Overseas Finance Limited,
Rep. by its Director,
Mamatha Complex, Second Floor,
New No.25, Whites Road,
Royapettah, Chennai – 600 014
Rep. by its Authorised Signatory
Mr.P.Viswanathan

... Petitioner

vs.

1.M/s.Sriram Trust
Rep. by its Managing Trustee Mr.S.Raguraman,
No.43, Marakkanam Road,
Tindivanam – 604 002.

2.Mrs.R.Malliga
3.Mr.S.Baskaran

... Respondents

PRAYER: Arbitration Original Petition filed under Sections 11(6)(a) of the Arbitration and Conciliation Act, 1996, to appoint a Sole Arbitrator to adjudicate the dispute between the petitioner and the respondents in terms of the Loan cum Hypothecation Agreement A/c.No.Hyp/012/2014-2015 dated 27.05.2014.



Arb.O.P.(Com.Div.)No.367 of 2024:

M/s.Newlink Overseas Finance Limited,
Rep. by its Director,
Mamatha Complex, Second Floor,
New No.25, Whites Road,
Royapettah, Chennai – 600 014
Rep. by its Authorised Signatory
Mr.P.Viswanathan

... Petitioner

VS.

1.Mrs.R.Malliga
2.Mr.S.Raguraman
3.Mr.S.B.Chandrasekaran

... Respondents

PRAYER: Arbitration Original Petition filed under Sections 11(6)(a) of the Arbitration and Conciliation Act, 1996, to appoint a Sole Arbitrator to adjudicate the dispute between the petitioner and the respondents in terms of the Loan cum Hypothecation Agreement A/c.No.Hyp/012/2014-2015 dated 27.05.2014.

(In all OPs)

For Petitioner : Mr.N.Premkumar

For Respondents : Mr.R.Ramesh

COMMON ORDER

These Original Petitions have been filed under Section 11(6)(a) of the Arbitration and Conciliation Act, 1996, for appointment of a Sole Arbitrator



to enter reference and adjudicate the disputes between the petitioner and the respondents in terms of the Loan cum Hypothecation Agreements.

WEB COPY

2.I have heard Mr.N.Prem Kumar, learned counsel for the petitioner and Mr.R.Ramesh, learned counsel for the respondents in all the original petitions.

3.I have also gone through the records and I find that there is valid agreements entered into between the parties. The learned counsel for the respondents fairly submitted that the parties can be directed to arbitrate the disputes. However, he would rely on the decision of the Hon'ble Supreme Court in *Duro Felguera S.A V. Gangavaram Port Limited* reported in *AIR 2017 SC 5070*, where the Hon'ble Supreme Court, in a similar case involving several agreements and each agreement containing provisions for arbitration, constituted six Tribunals for the purposes of the parties resolving their differences by arbitration. In fact, I find from the very same decision that even in the said case before the Hon'ble Supreme Court, though there were six arbitration agreements, the Hon'ble Supreme Court held that the Arbitrators can be the same, however there has to be six Tribunals.



WEB COPY



4.In fact, the parties went in for arbitration earlier and awards were also passed which came to be challenged before this Court under Section 34 of the Act. This Court, by order dated 19.06.2024, set aside the award on the ground that the Arbitrator was unilaterally appointed. Thereafter the present original petitions have been filed.

5.Applying the ratio laid down by the Hon'ble Supreme Court in *Duro Felguera S.A V. Gangavaram Port Limited* reported in *AIR 2017 SC 5070*, to the facts of the present case, being satisfied with the existence of the arbitration agreements between the parties, I hereby appoint **Mr.Sai Prashanth, Advocate, No.5B, Sanskrit College Street, Mylapore, Chennai – 6000 004, Phone No.9790957353**, as the sole Arbitrator to go into the disputes between the parties and adjudicate the same, in accordance with law. However, it is made clear that the single Arbitrator would head three different Arbitral Tribunals in respect of the three different Loan cum Hypothecation Agreements between the petitioner and different respondents in all the original petitions.



WEB COPY

6.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 nine (9) months from the date of his entering into reference.

7.Accordingly, these Arbitration Original Petitions are allowed.

31.01.2025

ata

Index : Yes / No

Internet : Yes / No



WEB COPY



Arb.O.P.(Com.Div.)No.365 to 367 of 2

P.B.BALAJI, J.,
ata

Arb.O.P.(Com.Div.)No.365 to 367 of 2024

31.01.2025