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Arb.O.P.(Comm.Div.) No.450 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 07.01.2025

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THE HONOURABLE MR.JUSTICE P.B.BALAJI

Arb.O.P.(Comm.Div.) No.450 of 2024

Nissan Renault Financial Services India Private Limited
Registered and Corporate Office:VBC Solitaire,
5th Floor, 47 and 9, Bazullah Road, T.Nagar,
Chennai-600 017.

... Petitioner

vs.

Shaikh Kaleem Abdul Rashid
SR No.55 Ash Irwad Park Flat No.13A
Krushna Naghar Mohammadwadi Pune
Pune-411060, Maharashtra

... Respondent

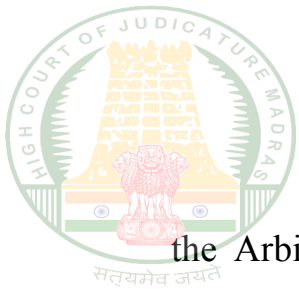
PRAYER: Arbitration Original Petition filed under Sections 11(6) of the Arbitration and Conciliation Act, 1996, to appoint a sole arbitrator to adjudicate over the dispute arising out of the Loan Agreement bearing No.RUNE394827 dated 26.8.2023 between the Petitioner and the Respondent.

For Petitioner : Mr.S.Sathya Gandhi
For Mr.S.Srinivasan

For Respondent : Not ready in notice

ORDER

This Arbitration Original Petition has been filed under Section 11 (6) of



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the Arbitration and Conciliation Act, 1996 (hereinafter called as 'the Act') to appoint an Arbitrator in respect of the dispute arising out of alleged violation of the Loan Agreement bearing No.RUNE394827 dated 26.8.2023 between the petitioner and the respondent company.

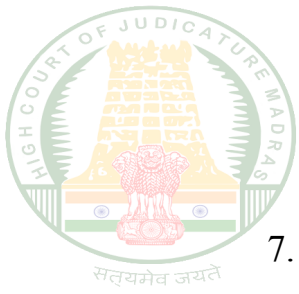
2. I have heard Mr.S.Sathya Gandhi, learned counsel for the petitioner.

3. The petitioner has filed affidavit of service evidencing paper publication in one issue of Indian Express, Pune Edition dated 18.12.2024.

4. The respondent is called absent and set ex-parte.

5.. I have gone through the affidavit and also the supporting documents, which include the loan agreement and the Loan Recall Notice dated 03.06.2024.

6. Though the respondent has replied to the Recall Notice and objected to the appointment of Arbitrator as suggested by the petitioner in the letter issued by the petitioner dated 27.08.2024, the respondent has not chosen to enter appearance in the present proceedings and object for appointment of Arbitrator.



7. It is seen from the Reply (E-mail) sent by the respondent that the respondent admits for appointment of Arbitrator and he only objects to the letter issued by the petitioner dated 27.08.2024.

8. The present Original Petition has been filed under Section 11 (6) for appointment of the sole Arbitrator in respect of the dispute arising out of alleged violation of the Loan Agreement bearing No.RUNE394827 dated 26.8.2023 of the Arbitration and Conciliation Act, 1996. Though the arbitration clause contemplates appointment of three Arbitrators, considering the scope of the dispute between the parties, both the learned counsel for the petitioner as well as the respondent submitted that it would be suffice if a sole Arbitrator is appointed. Accordingly, by consent of both sides, this Court is inclined to appoint a sole Arbitrator viz., Mr.Naveen Murthy, Advocate, S-2, 2nd Floor, Singapore Plaza, No.164, New No.337, Linghi Chetty Street, Chennai-600 001 (Mobile No:9884740424) as the Sole Arbitrator. The sole Arbitrator is directed to enter upon reference and adjudicate the dispute in accordance with law.

9. 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



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P.B.BALAJI,J.,

sr

decide the dispute as expeditiously as possible, however, not later than twelve (12) months from the date of his entering into reference.

10. Accordingly, this Arbitration Original Petition is allowed. No costs.

07.01.2025

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Index : Yes / No

Internet : Yes / No

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