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Arb.O.P (Com.Div.) No. 40 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.06.2025

CORAM

THE HON'BLE Mr. JUSTICE ABDUL QUDDHOSE

Arb.O.P (Com.Div.) No. 40 of 2025

P.Ramasudarsan

...Petitioner

vs.

R.M.Senthil

...Respondent

Prayer : Arbitration Original Petition (Commercial Division) filed under Section 11(6) of the Arbitration and Conciliation Act, 1996, praying to set aside the arbitral award dated 20.05.2024 in Arbitration No. not known of 2024 passed by Sole Arbitrator Retired Hon'ble Justice K.Mohanram.

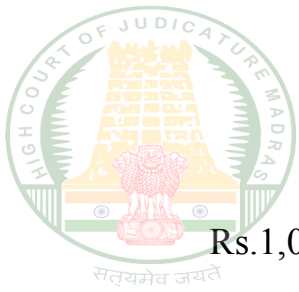
For petitioner : M/s.K.Kamala Devi

For Respondent : M/s.K.R.A.Muthukrishnan
P.Anand

ORDER

This petition has been filed under Section 34 of the Arbitration and Conciliation Act, 1996 challenging the impugned arbitral award.

2. A memo dated 15.04.2025 was filed by the petitioner before this Court stating that he is ready and willing to pay the principal amount of



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Rs.1,00,00,000/- to the respondent under five monthly installments of Rs.20,00,000/- each. As per the said memo, the first installment was payable in the month of June 2025 and the remaining amount of Rs.80,00,000/- was payable in four installments of Rs.20,00,000/- each payable by the petitioner to the respondent on or before the 10th of every English Calender month. Under the impugned arbitral award, the petitioner is liable to pay to the respondent a sum in excess of Rs.2,16,00,000/-.

3. On 17.04.2025, to see whether the petitioner is genuinely interested in settling the dues of the respondent based on his own undertaking given through his memo filed before this Court, this Court adjourned the matter to 09.06.2025. Through this Court's order dated 17.04.2025, while adjourning the matter to 09.06.2025, this Court had made it clear that if the petitioner fails to pay the sum of Rs.20,00,000/- being the first installment amount on or before the next hearing date, as per the petitioner's own undertaking given to this Court, Arbitration O.P. (Com.Div.) No. 40 of 2025 shall stand automatically dismissed. Thereafter, the matter was adjourned to 09.06.2025.



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4. On 09.06.2025, the learned counsel for the petitioner handed over a post dated cheque favouring the respondent for a sum of Rs.20,00,000/- dated 19.06.2025 in order to comply with the undertaking given before this Court on 17.04.2025. The post dated cheque for a sum of Rs.20,00,000/- was presented for encashment. However, it is now brought to the notice of this Court by the learned counsel for the respondent that the post dated cheque has been dishonoured with the endorsement 'insufficient funds'.

5. In view of the same, Arbitration O.P. (Com.Div.) No. 40 of 2025 has to be dismissed, since it was made clear in this Court's order dated 17.04.2025, based on the undertaking given by the petitioner that if the sum of Rs.20,00,000/- is not paid on or before the next hearing date, the main Arbitration O.P. (Com.Div.) No. 40 of 2025 shall stand automatically dismissed.

6. This Court has also perused and examined the impugned arbitral award. As seen from the same, it is also clear that the petitioner has not satisfied any of the grounds required for interference by this court under Section 34 of the Arbitration and Conciliation Act, 1996.



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ABDUL QUDDHOSE, J.

Maya

7. For the aforesaid reasons, this petition is dismissed. No costs.

23.06.2025

Index: Yes/ No

Speaking order / Non speaking order

Neutral citation : Yes / No

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