



Arb.O.P.(Comm.Div.) No.508 of 2024

Arb O.P(COM.DIV.) NO. 508 of 2024
IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-01-2025

CORAM

THE HONOURABLE MR JUSTICE P.B. BALAJI

Arb O.P(COM.DIV.) NO. 508 of 2024

M/s Sundaram Finance Ltd
No 21 Patullos Road Chennai 600 002 Represented by
its Authorized signatory Mr.Srinivasan R

Appellant(s)

Vs

M/s.Green Tech Star
Represented by its Proprietor Mrs.Bhavitha D 2nd
Floor C-S1 8th Main,No.359 4th Phase 7th
Block,Guru Raja Layout BSK 3rd
Stage,Bengaluru(Bangalore),Urban,Karnataka-
560085.

2. Mrs.Bhavitha D

3. Rahul Kamble

Respondent(s)

For Appellant(s):

M.Arunachalam
M.Nagalakshmi
9940654596

For Respondent(s):

Court Notice Await Services

PP-R1-M/S.GREEN TECH STAR Represented by its
Proprietor Mrs.Bhavitha D 2nd Floor C-S1 8th Main,No.359
4th Phase 7th Block,Guru Raja Layout BSK 3rd
Stage,Bengaluru(Bangalore),Urban,Karnataka-560085.

PP-R2- MRS.BHAVITHA D C/o.Mr.Sathish D,Plot 359 1st
Floor 8th Main 4th Phase Gururaja Layout, 7th Block
Bangalore,Karnataka- 560085



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PP-R3-MR.RAHUL KAMBLE S/o.Mr.Appasab kamble,359
2nd Floor C S 1 5th Cross 8th Main 4th Phase Kathriguppe
IV Phase ,7th Block Gururaja Layout
Bannashankari,Bangalore, Karnataka 560085
P/n-aos.D.No. 48631, Dt. 13/12/2024
Pp-aos.D.No. 2658, Dt. 22/01/2025

PRAYER: Arbitration Original Petition filed under Sections 11 of the Arbitration and Conciliation Act, 1996, to appoint a sole arbitrator to adjudicate over the dispute arising out of the Working Capital Facility Agreement dated 21.07.2023 between the Petitioner and the Respondents.

ORDER

This Arbitration Original Petition has been filed under Section 11 of 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 Working Capital Facility Agreement dated 21.07.2023 between the petitioner and the respondents.

2. I have heard Mr.M.Arunachalam, learned counsel for the petitioner and I have gone through the affidavit and also the supporting documents.

3. I am satisfied that the parties have entered into a valid Arbitration Agreement and the Venue has also been at Chennai.



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4. Learned counsel for the petitioner would take through the Notice under Section 21 of the Arbitration and Conciliation Act, 1916, which is 12.08.2024 and the same has also been served on the respondent. Despite such notice, the respondents have not come forward even to reply, leave alone, accept for commencement of arbitration proceedings.

5. Even before this Court the respondents have not chosen to enter appearance. Pursuant to the order of paper publication in one issue of leading English Daily having wide circulation in the City of Bangalore, the respondents have not chosen to appear in person. Therefore, the respondents are set aside.

6. The present Original Petition has been filed under Section 11 for appointment of the sole Arbitrator in respect of the dispute arising out of alleged violation of the Working Capital Facility Agreement dated 21.07.2023 between the petitioner and the respondents. The respondents have also not chosen to enter appearance and contest this Original Petition. Being satisfied about the existence of the valid Arbitration Agreement, I am proceeding to appoint a sole Arbitrator. Accordingly, this Court is inclined to appoint a sole Arbitrator viz., **Mrs.Chitra Narayanan, Advocate, No. 3E, K G Eyes Eternity, Parvathy Street, Kalakshetra Colony, Besant Nagar, Chennai – 600 090. (Mobile**



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No.9094031934) as the Sole Arbitrator. The sole Arbitrator is directed to enter upon reference and adjudicate the dispute in accordance with law.

7. The learned Arbitrator is entitled to fix her 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 twelve (12) months from the date of her entering into reference.

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

27-01-2025

sr

Index : Yes / No

Internet : Yes / No

To

1. M/s.Green Tech Star

Represented by its Proprietor Mrs.Bhavitha D 2nd Floor C-S1 8th Main,No.359 4th Phase 7th Block,Guru Raja Layout BSK 3rd Stage,Bengaluru(Bangalore),Urban,Karnataka-560085.

2. Mrs.Bhavitha D

C/o.Mr.Sathish D,Plot 359 1st Floor 8th Main 4th Phase Gururaja Layout, 7th Block Bangalore,Karnataka- 560085



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3. Mr.Rahul Kamble

S/o.Mr.Appasab kamble,359 2nd Floor C S 1 5th Cross 8th Main 4th Phase
Kathriguppe IV Phase ,7th Block Gururaja Layout Bannashankari,Bangalore,
Karnataka 560085



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P.B.BALAJI,J.,

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