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Arb. O.P. (Com. Div.) No.6 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.06.2025

CORAM

THE HON'BLE Mr. JUSTICE ABDUL QUDDHOSE

Arb. O.P. (Com. Div.) No.6 of 2025

M/s.Gaudsons Lithographics Private Ltd.,

Rep. by its Director

Ranjeetsingh Kishanksingh Gaudson

... Petitioner

VS.

M/s.Fabheads Automation Private Limited

Rep. By its CEO Dhinesh Ramupillai Kanagaraj

75, 14th Link Road,

Venkateshwara Colony,

Nehru Nagar,

Kottivakkam,

Chennai – 600 041.

... Respondent

Prayer : Arbitration Original Petition (Commercial Division) has been filed under Section 11(4)(a) & 11(8) of the Arbitration and Conciliation Act, 1996 to appoint an Arbitrator as the second Arbitrator with a direction that the two appointed arbitrators appoint the third arbitrator as expeditiously as possible or in the alternative, be pleased to refer the disputes to a sole arbitrator and accordingly appoint a sole arbitrator, to adjudicate the disputes prevailing between the petitioner and the respondent.

For Petitioner

: Mr.K. Newlin Frederick

For Respondent

: Mr.A. Immanuel



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ORDER

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

2. Both the learned counsels have made a joint endorsement in the Court bundle stating that the petitioner and the respondent are agreeable for appointment of a sole Arbitrator by this Court. The learned counsel for the respondent has also made an endorsement stating that liberty may be granted to the respondent to raise the issue of arbitrability of the dispute under Section 16 of the Arbitration and Conciliation Act, 1996 before the Arbitrator.

3. In view of the joint endorsement made by both the learned counsels on instructions, agreeing for appointment of a Sole Arbitrator this Court appoints Mr.Surya Teja S.S. Nalla, Advocate as the sole Arbitrator to adjudicate the dispute between the parties arising of the Reseller Agreement, dated 14.01.2023. Liberty is granted for the respondent to raise all objections with regard to the arbitrability of the dispute between the parties, by filing an application under Section 16 of the Arbitration and Conciliation Act before the Arbitrator.



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4. For the foregoing reasons, this Arbitration Original Petition is

allowed as prayed for by issuing the following directions :-

a) This Court appoints Mr.Surya Teja S.S. Nalla, Advocate, who is having office at No.24, Access House, Judge Jambulingam Street, Mylapore, Chennai – 600 004 (Mobile No.9566349739) as the sole Arbitrator to adjudicate the dispute between the parties arising out of the Reseller Agreement, dated 14.01.2023.

(b) The Arbitrator shall be paid his 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.

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Index: Yes/ No

Speaking order / Non speaking order

Neutral citation : Yes / No

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ABDUL QUDDHOSE, J.



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