



Arb O.P(COM.DIV.) No. 558 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-02-2025

CORAM

THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE

Arb O.P(COM.DIV.) No. 558 of 2024

M/s.CRI Pumps Private ltd
Represented by its Authorised signatory
Mr.S.Thirumoorthi, No.7-46-1,
Keeranatham Road, Saravanampatti,
Coimbatore-641021.

..Petitioner

Vs

M/s.BGR Energy Systems Limited
Represented by its Authorised signatory
C/o.CMWSSB 10MLD, Nesapakkam,
Chennai-600078,
India
Now at, 443,Anna Salai,Teynampet,
Chennai-600018.

..Respondent

PPrayer : Arbitration Original Petition (Commercial Division) filed under Section 11(4) of the Arbitration and Conciliation Act, 1996 to appoint a Sole Arbitrator to adjudicate the disputes between the petitioner and the respondent arising out of the Purchase Order No.7500008177 dated 14.10.2019 issued by the respondent to the petitioner

For Petitioner

: Mr. Advaidh Nelakanttan
for M/s.Ark Law Associates

For Respondent

: Mr.C.P.Prasanth Gopal



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ORDER

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

2. In view of the existence of the arbitration clause in the Purchase Order issued by the respondent to the petitioner dated 14.10.2019, the petitioner has referred the dispute for arbitration in accordance with the said clause. The petitioner has also invoked the arbitration by issuing notice as per section 21 of the Arbitration and Conciliation Act. Since there is no consensus between the parties with regard to the name of the Arbitrator, the petitioner has filed a petition under Section 11 of the Arbitration and Conciliation Act, seeking for appointment of an Arbitrator by this Court.

3. Till date, counter has not been filed in this petition.

4. Learned counsel for the respondent, on instructions, would also submit that there exists an arbitration clause in the Purchase Order dated 14.10.2019 which is the subject matter of dispute between the parties and he is agreeable for appointment of an Arbitrator by this Court.

5. Since there exists an arbitration clause and since the petitioner has invoked the arbitration in accordance with the said arbitration clause and the respondent has also agreed for arbitration, this Court will have to necessarily appoint an Arbitrator.



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6. For the foregoing reasons, this Arbitration Original Petition is allowed as prayed for by issuing the following directions :-

a) This Court appoints Mrs.Hema Sampath, Senior Advocate having address at No.11, 2nd Street, Jagadambal Colony, Royapettah, Chennai - 600 014 (Mobile No.9444982299) as the sole Arbitrator to adjudicate the dispute between the parties arising out of the aforesaid Purchase Order.

(b) The Arbitrator shall be paid his /her 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.

vsi

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