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Arb.Appeal No.16 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.04.2025

CORAM :

THE HON'BLE MR.K.R.SHRIRAM, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE MOHAMMED SHAFFIQ

Arb. Appeal No.16 of 2025
and C.M.P.No.8295 of 2025

Green Tech Star,
rep. by its Prop. D.Bhavitha,
S/D/W/o V.Satish,
2nd Floor, C-51, 18th Main,
No.359, 4th Phase, 7th Block,
Gururaja Layout,
Bengaluru Urban,
Karnataka-560 085.

... Appellant

Vs.

1.TVS Credit Services Limited,
rep. by its Managing Director,
Having their office at "Chaitanya",
No.12, Khader Nawas Khan Road,
Nungambakkam, Chennai-600 006.

Also at:
No.29, Jayalakshmi Estates,
Third Floor, Haddows Road,
Nungambakkam, Chennai-600 006.



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2.Rahul Appasab Kamble,

3.The New India Assurance Co. Ltd.,
rep. by its Managing Director
Having their office at
Chikmangalur Panduranga Complex,
Kollapuradamma Temple Street,
Chikmangalur-577 101.

... Respondents

Prayer : Appeal under Section 37 of the Arbitration and Conciliation Act, 1996 against the order dated 19.7.2024 passed by the Arbitrator in Application No.2 of 2024 in Arbitration Case CP (TVS/SME) No.CNICA-281/2024.

For Appellant : Mr.S.Rajesh Kumar
for M/s.Nathan and Associates

For Respondent : Mr.M.Arunachalam
for respondent No.1

JUDGMENT

(Delivered by the Hon'ble Chief Justice)

After the appeal was heard for some time, Shri Arunachalam, as an officer of the Court, in fairness, without prejudice to the rights and contentions of respondent No.1, stated that the Court may quash and set



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aside the impugned order and direct the Sole Arbitrator to re-hear the application lodged by respondent No.1. Ordered accordingly.

2. There are averments in the appeal that a counter to the application was dispatched on 18.07.2024 and also sent by e-mail on the same date to the Council for National and International Commercial Arbitration (CNICA). The copy of counter is also annexed to the appeal.

3. The Arbitrator may fix the date for hearing, in view of the statement made by Shri Arunachalam that respondent No.1 does not wish to file any rejoinder.

4. The Arbitrator shall give notice of five working days in advance to advocates on record.

5. Appeal is disposed of. There shall be no order as to costs. Consequently, interim application stands closed.



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We make it clear that we have not made any observation on the merits of the matter.

(K.R.SHRIRAM, C.J.)

(MOHAMMED SHAFFIQ,J.)

21.04.2025

Index : Yes/No
NC : Yes/No
bbr

Note:

Registry to sent a copy of this judgment to
Mr.J.Rajaram, Arbitrator, No.1236, 2nd Floor,
18th Main Road, Anna Nagar, Chennai – 600 040.

To:

The Managing Director
New India Assurance Co. Ltd.,
Chikmangalur Panduranga Complex,
Kollapuradamma Temple Street,
Chikmangalur-577 101.

Copy to:

The Sub Assistant Registrar
Original Side, High Court,
Madras.



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THE HON'BLE CHIEF JUSTICE
AND
MOHAMMED SHAFFIQ.J.

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