

ITEM NO.68

COURT NO.3

SECTION XIA

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).13283-13284/2012

(From the judgement and order dated 09/12/2011 in CRP No.604/2010
and AR No.26/2011 of The HIGH COURT OF KERALA AT ERNAKULAM)

M/S PARTHAS TEXTILES

Petitioner(s)

VERSUS

M/S AERENS GOLD SOUK INTERNAL.LTD.& ORS

Respondent(s)

(With prayer for interim relief and office report)

WITH

SLP(C) NO. 14363 of 2012
(With office report)

Date: 16/09/2013 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.M. LODHA
HON'BLE MR. JUSTICE MADAN B. LOKUR

For Petitioner(s) Mr. V. Giri, Sr. Adv.
Mr. Raghenth Basant, Adv.
Mr. Arjun singh Bhati, Adv.
Mr. Hardeep Singh, Adv.
Ms. Liz Mathew, Adv.

For Respondent(s) Ms. Kaadambari, Adv. for
Mr. Rameshwar Prasad Goyal, Adv.

UPON hearing counsel the Court made the following
O R D E R

Heard learned senior counsel for the petitioner and learned
counsel for the respondents.

In the course of hearing learned senior counsel for the
petitioner and learned counsel for the respondents agreed that
Justice T.L. Viswanatha Iyer, former Judge of the Kerala High Court,
be appointed as sole arbitrator and that proceedings of arbitration
may take place at Kochi.

We, accordingly, modify the impugned orders and appoint
Justice T.L. Viswanatha Iyer, former Judge of the Kerala High Court
as sole arbitrator to adjudicate the following disputes between the
parties :

- (i) Dispute stated in Arbitration Request No. 26 of 2011
(Kerala High Court)
- (ii) Dispute stated in Arbitration Petition No. 77 of 2011
(Delhi High Court)
- (iii) Dispute raised in O.S. No. 311 of 2010 (Sub-Court,
Ernakulam)

The seat of arbitration shall be at Kochi.

The arbitrator shall settle his remuneration in
consultation with the parties.

We request the arbitrator to proceed with the matter
expeditiously and endeavour to decide the above matters as early as
may be possible and preferably within one year from entering into
reference.

Liberty is granted to the petitioner to apply to the trial

court for refund of court fee which obviously shall be considered in accordance with relevant refund rules.

Special leave petitions are disposed of.

| (Rajesh Dham)
| Court Master

| | (Renu Diwan)
| | Court Master

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