**APPLICATION FOR CANCELLATION OF ARBITRATION AGREEMENT**

 **Before High Court of Chennai Ordinary Original Civil Jurisdiction

In the matter of Arbitration and Conciliation Act 1996

And

In the matter of an application per section 7 of the said Act

And

Coimbatore Builders a company registered under the Companies Act 1956 and doing business at Coimbatore, T.N.

Petitioner

And

M/s Co. Ltd. a company registered under the Companies Act 1956 and doing business at SCO 17, Sector 14, Salem..

Respondent

To

The Hon'ble Mr. .......................Chief Justice with his Companion Justices of the said Hon'ble Court

The humble petition of the petitioner above-named most respectfully showeth:

1. Petitioner received on 1st January 2003 a notice dated 21st December 2002 from respondent requesting the petitioner to select an arbitrator per alleged agreement of Arbitration contained in a Contract No. ….. dated 8th September 2001.

2. Petitioner states that the alleged agreement for referring controversies to arbitration was illegal and not binding on the petitioner, inter alias, for the following reasons:

(a) ................................................

(b) ................................................

3. Petitioner states that the subject-matter of the alleged controversies between the parties is within the power of Court at Calcutta.

4. Petitioner reasonably fears if the said agreement is permitted to remain outstanding future proceedings may be taken by respondent according to said notice or otherwise and in that eventuality your petitioner would be seriously prejudiced.

5. The subsistence and legality of the alleged Arbitration Agreement alleged to be passed by respondent have to be determined by this Hon'ble Court on presentation thereof by the respondent.

6. The respondent be instructed to present the alleged Arbitration Agreement before this Hon'ble Court for cancellation and scrutiny.

7. Unless orders are made as prayed for petitioner will sustain loss with prejudice.

8. This application is made bona fide with interest of justice.

Petitioner hence humbly prays to Your Lordships for following Orders:

(a) Instructing the respondent to present the Arbitration Agreement before this Hon'ble Court;

(b) Declaring that the said Arbitration Agreement is illegal, void and ineffective;

(c) Cancellation of alleged Arbitration agreement as null and void;

(d) Instructing that the said notice dated .................being illegal, void and ineffective;

(e) Stay order restraining the respondent from giving any effect or subsequent effect to the said notice;

(f) Costs of this application be paid by the respondent;

(g) Further Orders be passed and instructions be given as the Hon'ble Court may consider proper and fit to afford complete relief to petitioner.

Signature of Advocate for the petitioner

Signature of petitioner

Verification

(1) I being a Director of Coimbatore Builders and a principal officer with a Constituted Attorney. I know and I have made myself acquainted with the facts/circumstances of the case and I am able to depose thereto. I am empowered and competent to verify and I do verify the above stated petition on behalf of Coimbatore Builders.

(2) The statements in paragraphs 1 to 8 herein are true to my best knowledge basing on information got from records kept by petitioner Coimbatore Builders. and believed by me to be true.

Solemnly affirmed by said Mr.......................pertaining to Board Resolution dated of Coimbatore Builders. in the Court House at Coimbatore this..................day of 1st January 2003..

Deponent**