

In the High Court of Judicature at Madras

Dated : 18.09.2015

Coram :

The Hon'ble Mr.Sanjay Kishan Kaul, Chief Justice

O.P.No.351 of 2014

S.John Titus Satya

.. Petitioner

-VS-

- 1.M/s.Aerens Projects and
Infrastructure Private Limited,
'Gold Souk', C-Block, Sushant Lok,
Phase-I, Sector-43, Gurgaon,
Haryana.
- 2.M/s.Metroline Promoter Private Ltd.,
Branch Office at 'Gold Souk Grande',
G.S.T. Road, VGP Golden Estate,
Near Vandalur Bsnl Exchange,
Vandalur, Chennai.
- 3.M/s.Sage Properties Private Limited,
'Gold Souk', C-Block, Sushant Lok,
Phase-I, Sector-43, Gurgaon,
Haryana.
- 4.M/s.Sage Buldwell Private Limited,
'Gold Souk', C-Block, Sushant Lok,
Phase-I, Sector-43, Gurgaon, Haryana.
- 5.M/s.Saga Motels Private Limited,
'Gold Souk', C-Block, Sushant Lok,
Phase-I, Sector-43, Gurgaon,
Haryana.
- 6.M/s.Walgreens Realty International
Private Ltd., No.33, Hindi Prachar
Sabha Street, T.Nagar, Chennai.

.. Respondents

Petition filed under Section 11 (4) of the Arbitration and Conciliation Act, 1996, to appoint an Arbitrator to resolve the disputes that have arisen between the petitioner and the respondents as per Article 10.19 of the agreement dated 28.01.2011.

For Petitioner : Mr.Perumbulavil Radhakrishnan

For Respondents : M/s.Rohini Ravikumar

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ORDER

Learned counsel for the parties agree that the petition be disposed of in the following terms:

1. The matter be referred to the Tamil Nadu Mediation and Conciliation Centre, Madras High Court Campus, at the first instance to resolve the disputes inter se the parties through the mediation process, for which the parties will appear before the Centre on 30.09.2015 at 2.15 p.m.
2. The Mediator will endeavour to resolve the disputes within a maximum period of two (2) months of the first date of reference or any extended period as may be granted by this Court;
3. If the mediation process does not resolve the disputes, the process of arbitration will be resorted

to. As agreed and proposed by the learned counsel for parties, **Mr.Justice G.M.Akbar Ali**, a retired Judge of this Court, is appointed as the Sole Arbitrator to enter upon the reference and adjudicate the disputes inter se the parties, on such failure of mediation process.

4. As requested by the learned counsel for parties, the arbitration proceedings will be conducted under the aegis of the Madras High Court Arbitration Centre and the parties will be governed by the Rules of the Centre.

2.The original petition is, accordingly, allowed, leaving the parties to bear their own costs.

(S.K.K., CJ.)
18.09.2015

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Note: 1) Mark a copy to

- (i) The Addl. Registrar-Vigilance
Madras High Court Arbitration Centre,
Madras High Court Campus, Chennai.
 - (ii)The Arbitrator, as referred above.
 - (iii)The Tamil Nadu Mediation and
Conciliation Centre,
Madras High Court Campus, Chennai.
- 2) Issue order copy to the learned counsel for parties within three (3) days, as the parties are directed to appear before the Mediation Centre on 30.09.2015.

The Hon'ble Chief Justice

(sra)

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