

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.386 of 2014

M/s.Star Boxes India Pvt. Ltd.,
rep. by its Chief Financial Officer,
Pollivakkam Chatram, Pollivakkam,
Thiruvallur District, Thiruvallur,
Tamil Nadu-602 002.

.. Petitioner

-vs-

P.Mugilan

.. Respondent

Petition filed under Section 11(5) of the Arbitration and Conciliation Act, 1996, to appoint a Sole Arbitrator as per the provisions of the Arbitration & Conciliation Act, 1996, to adjudicate all disputes between the petitioner and the respondent pursuant to the Agreement dated 07.05.2012.

For Petitioner : Mr.T.K.Bhaskar

For Respondent : Mr.V.Balamurugane

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ORDER

The disputes inter se the parties emanate from the agreement dated 07.05.2012 for employment of the respondent, which contains arbitration Clause 16 as under:-

“16. In the event of dispute regarding the terms and conditions and interpretations of the above clauses, the same shall be referred to the Arbitrator under Arbitration & Conciliation Act, 1996.”

2. The learned counsel for parties are, ad idem that the dispute is liable to be referred to the arbitration at Chennai. But the learned counsel for the respondent states that first efforts may be made for mediation and if the dispute is not resolved, then it may go to the arbitration, course of action not opposed by the learned counsel for the petitioner.

3. The following agreed directions are passed:-

(1)The parties will appear before the Madras High Court Mediation and Conciliation Centre on 30.09.2015 at 2.15 P.M. in order to resolve the disputes through mutual settlement.

(2)The parties are granted window of two months time from that date to arrive at a settlement or any extended period as may be granted by this Court.

(3) In case, the resolution of disputes by mediation does not take place, the disputes shall be resolved through an arbitration of the Sole Arbitrator.

(4) The Arbitrator will commence the arbitration proceedings only on the expiry of two months or any extended period, as has been granted for concluding the mediation process.

4. I, thus, appoint Ms. Preeti Mohan, Advocate, residing at No.31, Masilamani Road, Balaji Nagar, Chennai-14 (Mobile No.9940689973), who is present in Court and as agreed to by the learned counsel for parties, as the Sole Arbitrator to enter upon the reference and adjudicate the disputes inter se the parties. The arbitration proceedings will be conducted under the aegis of Madras High Court Arbitration Centre and the parties will be governed by the Rules of the Madras High Court Arbitration Centre (MHCAC) (Arbitration Proceedings) & (Administrative Cost and Arbitrators' Fees) Rules, 2014.

5. 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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The Hon'ble Chief Justice

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