

In the High Court of Judicature at Madras

Dated : 03.07.2015

Coram :

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

O.P.No.499 of 2015

M/s.Aishwarya Structural
and Susmitha Decors,
rep. by their one of the Proprietors
M.K.Thiyagarajan,
Office Address:
No.11, Sannathi Street, Kamatchi Nagar,
Valasarawakkam, Chennai-600 087
Project-Site Address:
Jeeva's Aathis,
1st street, Tamizh Kudimagan Nagar,
Kovilambakkam, Chennai-600 100.

.. Petitioner

-VS-

1.S.K.C.Constructions,
rep. by their one of the Proprietors Ahil Mani
Office Address:
No.77, W-Block,
4th street, Anna Nagar,
Chennai-600 040.

2.Kumaran Housing Private Limited,
rep. by their one of the Directors D.Murugesan,
Office Address:
No.1, V.O.C. 2nd Main Road,
Kodambakkam, Chennai-600 024.

.. Respondents

Petition filed under Section 11 (6) of the Arbitration and Conciliation Act, 1996, to appoint an Arbitrator to resolve the disputes between the petitioner and the respondents in terms of clause 17 of the Construction & Supplemental Agreements dated 20.10.2011 between the parties.

For Petitioner : Dr.R.Harihara Mahadevan
and Associates

For Respondent : Mr.K.Shankar

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ORDER

The learned counsel for the petitioner and on behalf of the learned counsel for respondent No.1, it is agreed that respondent No.2 is not a party to the arbitration agreement. Thus, respondent No.2 is deleted from the array of parties and memo of parties be corrected accordingly.

2. Admit.

3. The petitioner is directed to deposit a sum of Rs.1,000/- (Rupees one thousand only) towards initial expenses under Clause 12 of the Appointment of Arbitrators by the Chief Justice of Madras High Court Scheme, 1996 within a period of two weeks from today.

4. Learned counsel for the sole respondent – M/s.S.K.C. Constructions has entered appearance and both the learned counsel for parties jointly request that in view of the Clause in the Agreement for Construction of Residential Flats dated 20.10.2011, Mr.Justice K.Venkataraman be appointed as the Sole Arbitrator.

5. I, thus, appoint **Mr.Justice K.Venkataraman**, a retired Judge of this Court, 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.

6. The Original Petition is accordingly allowed, leaving the parties to bear their own costs.

(S.K.K., CJ.)
03.07.2015

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Index : Yes/No
Internet : Yes/No

Note: 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.

The Hon'ble Chief Justice

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