

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12..03..2015

C O R A M

The Hon'ble Mr. **SANJAY KISHAN KAUL**, Chief Justice

Original Petition Nos.851 to 852 of 2012

Hari Krishna Budhia

.. Petitioner in all the cases

versus

1. M/s.EVP. Housing Chennai Pvt., Ltd.,
23, Sir Thiyagaraya Road,
Pondy Bazaar, T.Nagar
Chennai 600017.
represented by its Director
Mr.EVP.Santhosha Reddy

2. E.Muthukrishnan

.. Respondents in OP.No.851 of 2012

3. M.Barani

.. Respondent in OP.No.852 of 2012

Muralikrishnan

.. Respondent in OP.No.853 of 2012

*Prayer : Petition filed under Section 11of the Arbitration and
Conciliation Act, 1996, for appointment of sole arbitrator to resolve
the disputes between the parties arising out of the Arbitration
Agreement dated 01.04.2007.*

For Petitioner : Mr.K.F.Manavalan

For Respondent : Mr.A.D.Jagadishchandra

COMMON ORDER

The dispute pertains to the agreement dated 01.04.2007 which contains Arbitration Clause -23. It is the say of the petitioner that this agreement should be specifically enforced while it is the say of the respondent that in view of the acquisition proceedings, the project fell through and the subsequent de-acquisition cannot revive the project especially when a number of land holders have taken money in satisfaction of their claim.

2. Be that as it may, the scope of the dispute is for the Arbitrator to determine. There is no dispute that there is an agreement, which contains an Arbitration Clause and disputes have arisen, with this Court having no jurisdiction.

3. In view of the aforesaid, learned counsel for the parties agreed that the disputes inter se the parties could be referred to the sole Arbitration of Mr.R.Killivalavan, a retired District Judge, as proposed by them.

4. Accoringly, the petition filed under Section 11 of the Arbitration and Concilation Act, 1996, is allowed. I hereby appoint, Mr.R.Killivalavan, a retired District Judge, residing at Flat No.1-F, First Floor, Block -5, Swathy Valasai, 1st Cross, Sairam Avenue, 6th Street, Jai Nagar, Valasaravakkam, Chennai 600087 (Mobile No.9894240954), as the Sole Arbitrator to enter upon reference and adjudicate the disputes inter se the parties. The learned Arbitrator shall enter

upon the reference and after issuing notice to the parties and hearing them, pass an award as expeditiously as possible, preferably within a period of six months from the date of receipt of the order. The learned Arbitrator is at liberty to fix the remuneration and other incidental expenses, which shall be borne equally by both the parties.

5. All the parties are free to make their respective claims and defences before the learned Arbitrator, including the plea of limitation.

6. The original petitions are accordingly allowed leaving the parties to bear their own costs.

(S.K.K., CJ.)
12th March, 2015

ksr

The Hon'ble The Chief Justice

(ksr)

O.P. Nos.851 to 852 of 2015

12.03.2015