

In the High Court of Judicature at Madras

Dated : 15.07.2016

Coram :

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

O.P.Nos.1005 & 1006 of 2015

O.P.No.1005 of 2015

E.Sugumaran .. Petitioner

-vs-

- 1.P.Subramani
 - 2.The Tamil Nadu Foot Association,
rep. by its President,
No.73, Jawaharlal Nehru Statium,
Chennai-600 003.
 - 3.M.Ramachandran,
District & Session Judge (Retd.),
Sole Arbitrator,
No.6, 4th Street, Sivanthipatti,
Maharaja Nagar, Opp. to Uzhavarchandai,
Tirunelveli - 627 011.
- .. Respondents

O.P.No.1006 of 2015 सत्यमेव जयते

E.Sugumaran .. Petitioner

-vs-

- 1.M.Malarmaran,
Secretary,
Madona Matric Football Clun, Chennai
and Member
Chennai Foot Ball Association,
No.6, Manoharan Lane,
Chetpet, Chennai-600 031.

2.The Tamil Nadu Foot Association,
rep. by its President,
No.73, Jawaharlal Nehru Statium,
Chennai-600 003.

3.M.Ramachandran,
District & Session Judge (Retd.),
Sole Arbitrator,
No.6, 4th Street, Sivanthipatti,
Maharaja Nagar, Opp. to Uzhavarchandai,
Tirunelveli - 627 011.

.. Respondents

Petitions filed under Section 11 (6) and (14) of the Arbitration and Conciliation Act, 1996, to terminate the Arbitrator namely M.Ramachandran, the third respondent and appoint a new Arbitrator to adjudicate the dispute between the petitioner and the respondents, in terms of the Article of the Constitution read with Section 11 of the Arbitration and Conciliation Act, 1996.

For Petitioner: Mr.J.Sivanandaraaj

For Respondents: Mr.Arun C.Mohan for R2

COMMON ORDER

Heard the learned counsel for parties.

Perused the additional set of documents filed by respondent No.2.

2. It may be noted that the Agenda for the Executive Board Meeting shows that it was proposed by the President to appoint the relevant person as the Chairman of Arbitration Tribunal of Tamilnadu Football Association. The Board met on 09.08.2015 and the Minutes of the Meeting on 09.08.2015 shows that the decision was ratified by the Board.

3. On the other hand, Article 46 which is the arbitration clause provided for recourse to arbitration by "nominating a panel of independent Arbitrators" for the purposes of resolution of the disputes between the Members, Clubs etc. Similarly, Clause 66.1. relating the constitution of the Association once again provides for creation of an option for recourse to arbitration by nominating a panel of independent Arbitrators, who may be Advocate or Magistrate, to resolve such disputes.

4. The learned counsel for respondent No.2, thus, cannot dispute that there has not been any formulation of such a panel of Arbitrators. But the proposal of the President was ratified by the Board

only with reference to one named Arbitrator.

5. In the given situation, thus, the learned counsel for respondent No.2 states that the letter of appointment of respondent No.3 may stand withdrawn and consequently, all proceedings thereafter would stand nullified.

6. The learned counsel states that respondent No.2 would proceed to act in terms of its Articles to constitute a panel of Arbitrators.

7. The aforesaid statement is taken on record.

8. The Original Petition, accordingly, stands disposed of with a direction to respondent No.2 to take necessary action to comply with the statement within a maximum period of two weeks from today.

सत्यमेव जयते

sd/.S.K.K.,CJ.
15.07.2016

//Certified to be a true copy//

Dated this the day of 2016.

S.s/26.07.2016

COURT OFFICER

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