

In the High Court of Judicature at Madras

Dated : 22.07.2016

Coram :

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

O.P.No.406 of 2016

M/s.Brown Stone Foundations (P) Ltd.,
having Regd. Office at "Chella Mall",
No.108, I Floor, Door No.11/11A,
Sir Theagaraya Road,
Pondy Bazaar, T.Nagar,
Chennai-600 017,
rep. by its Director K.S.Sreedhar.

.. Petitioner

-VS-

A.Geetha

.. Respondent

Petition filed under Section 11 of the Arbitration and Conciliation Act, 1996 to appoint an Arbitrator to adjudicate the dispute between the petitioner and the respondent in terms of Joint Development Agreement dated 10.04.2013 read with Section 11 of the Arbitration and Conciliation Act, 1996.

For Petitioner : Mr.K.Radhakrishnan

For Respondents : Mr.C.A.Theagarajan

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ORDER

No reply has been filed by the respondent.

2. I posed specific queries to the learned counsel for the respondent, the answer to all which is in the affirmative:-

- (1) There is an arbitration Clause.
- (2) There are disputes *inter se* the parties. Both sides claiming monies to be recovered.
- (3) Jurisdiction of this Court is not in dispute.

3. The only submission made by the learned counsel for the respondent is that the respondent has filed a criminal complaint, which is pending investigation.

3. In view of the tests required to be examined in a petition under Section 11 of the Arbitration and Conciliation Act, 1996 being satisfied and there being an arbitration Clause *inter se* the parties as under, the Arbitrator has to be appointed to adjudicate the disputes *inter se* the parties:-

“42. Any dispute between the parties shall be referred to a sole arbitrator to be appointed by the Parties by mutual consent. The proceedings shall be conducted in English language and the venue of arbitration shall be Chennai. The parties agree to fast track arbitration and shall be disposed of within 90 days from the date of reference. The

arbitrator shall be entitled to pass interim award.
The award of the arbitrator shall be final and binding
on the parties.”

4. I, thus, by consent, appoint Mr.G.Masilamani, Senior Advocate, 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 the Madras High Court Arbitration Centre and the parties will be governed by the Rules of the Centre.

5. The Original Petition, accordingly, stands allowed, leaving the parties to bear their own costs.

(S.K.K., CJ.)
22.07.2016

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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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