

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.09.2017

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THE HONOURABLE MR. JUSTICE **R.SUBRAMANIAN**

C.M.A.No.1425 of 2017
and
C.M.P.No.7577 of 2017

E.Sugumaran,
Secretary,
Chennai Football Association,
No.73, J.N.Stadium,
Chennai-600 031.

.. Appellant

.. Vs..

1.M.Malarmaran,
Secretary,
Madona Matrix Football Club,
No.6, Manoharan Lane,
Chetput,
Chennai-600 003.

2.Tamilnadu Football Association,
Rep.by its President,
Registration No.25/83,
Room No.73, J.N.Stadium,
Chennai-600 003.

.. Respondents

PRAYER:- Appeal filed under Section 37 of The Arbitration and Conciliation Act, 1996, r/w Order XLIII Rule 96(r) of the Code of Civil Procedure, to set aside the Impugned Order dt.10.04.2017; passed by the Arbitration Tribunal in APP.No.1 of 2017 in Arb.Case No.1 of 2016.

For Appellant : Mr.V.Sankaranarayanan
For R-1 : Mr.A.Rajesh Kanna
For R-2 : Mr.Satish Parasaran, Senior Counsel
for Mr.Arun C.Mohan

JUDGEMENT

This appeal is against an order passed by the Arbitration Tribunal, rejecting the request of the appellant for production of accounts of the Chennai Foot Ball Association for the years 2008-09, which are allegedly in the custody of the Tamil Nadu Foot Ball Association viz., the second respondent. It is not in dispute that the claimant viz., the first respondent seeks to dis-qualify the appellant from being the Secretary of the Chennai Football Association on certain counts. The arbitration proceedings have been commenced on the premise that the appellant has incurred a dis-qualification, due to non-production of certain records, from

continuing as the Office bearer of the Chennai Football Association. The main question that arose in the very arbitration is as to whether the non-production of such records would amount to dis-qualification or not. The appellant had filed an application purportedly under Section 17 of the Arbitration Act, seeking a direction to the second respondent viz., the Tamil Nadu Football Association, the apex body to produce the accounts for the year 2008-09 relating to the Chennai Football Association. The apex body has filed a counter stating that the accounts are not available with it. I do not see any need for production of such accounts in the proceedings before the arbitrators. This very application is beyond the scope of either Section 9 or 17 of the Arbitration and Conciliation Act, 1996.

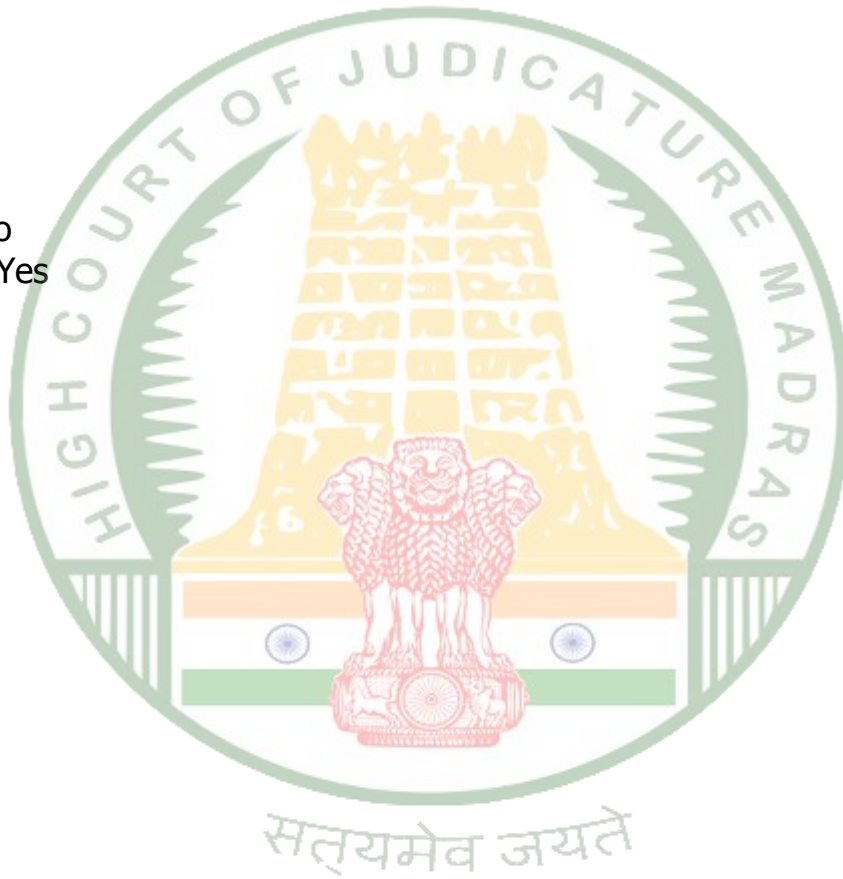
2. In my considered opinion, the Arbitration Tribunal had unnecessarily gone into various aspects including the availability of the records etc., which are not germane to the dispute at all. I am of the considered opinion that the very application filed seeking production of records is beyond the scope of the arbitration proceedings. Therefore, all the findings recorded by the Arbitration Tribunal are set aside and this appeal will stand dismissed solely on the ground that the application 1 of

2017 is beyond the scope of either Section 9 or Section 17 of the Arbitration and Conciliation Act, 1996. No costs. Consequently, the connected miscellaneous petition is closed.

01.09.2017

Index: No
Internet: Yes

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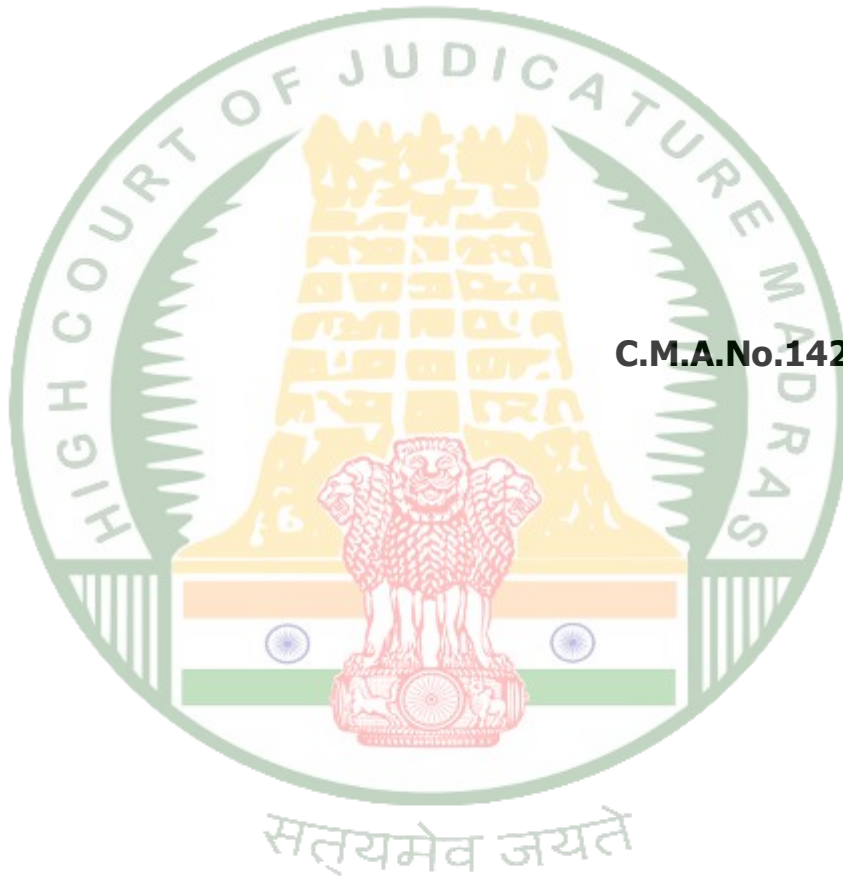
To

The Arbitration Tribunal,
Chennai.



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R.SUBRAMANIAN,. J.



C.M.A.No.1425 of 2017

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