

In the High Court of Judicature at Madras

Dated: 16.08.2017

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The Honourable **Dr.Jusitce ANITA SUMANTH**

Original Petition No.209 of 2017

Dr.Premraj

..... Petitioner

Vs.

1. Vasan Health Care Private Limited
Registered Office:
No.70, Dr.Radhakrishnan Salai,
Westminister Complex, Mylapore,
Chennai - 600 004.
2. Dr.A.M.Arun
3. Sequoia Capital India Investment Holdings III
608, James Court, St.Denis Street,
Port Louis, Mauritius
4. Westbridge Ventures II Investment Holdings
(formerly known as Sequoia Capital India
Investment Holdings II)
IFS Court, Twenty Eight, Cyber City,
Ebene, Mauritius.

.... Respondents

PETITION filed under Section 11(6) of the Arbitration and Conciliation Act, 1996, for appointment of Arbitrator to adjudicate all the disputes between the petitioner and the respondents.

For Petitioner : Mr.A.K.Mylsamy

For Respondents: Mr.R.Parthasarathy - R3

Mr.Aditya Vikram Bhat - R4

No appearance - R1 and R2

ORDER

The present petition for appointment of a sole Arbitrator, in terms of Section 11(6) of the Arbitration and Conciliation Act, 1996 (in short, 'the Act'), can be disposed of with reference to a short point.

2. Heard Mr.R.Parthasarathy, learned counsel appearing for the third respondent and Mr.Aditya Vikram Bhat, learned counsel appearing for the fourth respondent. Despite service of notice, there is no representation for the first and second respondents.

3. The parties have agreed that Article 16 dealing with Dispute Resolution in the Amended and Reinstated Professional Collaboration Agreement and Securities Subscription Agreement dated 31.01.2012 refers to a three tier structure for resolution of disputes. If the negotiation in good faith fails, the parties have agreed to nominate a person with respectable

professional standing and conduct to resolve the dispute. If the second tier also fails, the parties have agreed that the Indian Council of Arbitration has to be approached for appointment of a sole Arbitrator. In fact, the petitioner himself, through his Advocate, vide letter dated 21.10.2016, invoking the dispute resolution clause put the other parties to notice that the Indian Council of Arbitration would have to be approached for appointment of a sole Arbitrator.

4. In view of this admitted position, there is no merit in the present Original Petition. The parties may, if desired, approach the Indian Council of Arbitration for appointment of an Arbitrator in accordance with the dispute resolution clause in the agreement dated 31.01.2012.

5. Accordingly, the Original Petition stands dismissed leaving the parties to bear their own costs.

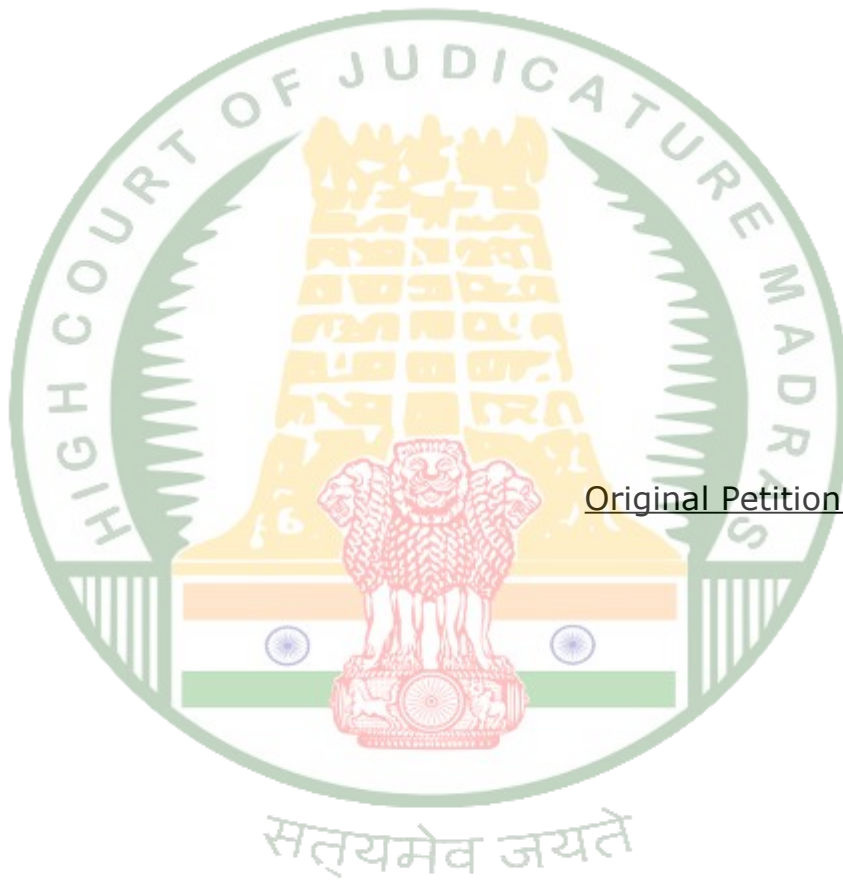
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Note: Issue order copy on or before 21.08.2017.

Dr.ANITA SUMANTH,J.

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