

IN THE HIGH COURT OF JUDICATURE AT MADRAS**DATED: 18.07.2017****CORAM****THE HON'BLE DR.JUSTICE ANITA SUMANTH****O.P.No.308 of 2017**

M/s. Yum Restaurants India Private Limited
Represented by Authorised Representative
Mr.Nikhil Aggarwal,
12th Floor, Tower D,
Global Business Park,
Gurgaon -122002

... Petitioner

vs.

Mr.R.Swaroop,
15/1, Ramanujan Nagar,
Karur, Tamil Nadu – 639002

... Respondent

PRAYER: Petition filed under Section 11(6) of the Arbitration and Conciliation Act 1996, to appoint an independent Arbitrator as the respondent's side Arbitrator to adjudicate the disputes arising between the petitioner and the respondent pursuant to the failure of the Respondent to nominate its Arbitrator as per Arbitration clause 10 of Lease Agreement dated 20.10.2014.

For Petitioner : Mr.P.Gurusamy

For Respondent : Mr.Ramakrishnan viraraghavan
Senior Counsel

ORDER

This petition seeks appointment of a Sole Arbitrator to resolve the disputes between the petitioner and respondent.

2. The parties had entered into a Lease Deed, dated 20.10.2014, in terms of which, a monthly consideration was fixed at Rs.2,36,000/-. The lease was terminated as per clause 8 of the Agreement, vide letter dated 21.01.2016. Pursuant thereto, the petitioner had been seeking repayment of the advance which has not been acceded to by the respondent.

3. Hence, there is a dispute between the parties to be submitted to, and resolved by Arbitration in terms of clause 10 of the Lease agreement dated 20.10.2014.

4. Heard learned counsel appearing for both parties.

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5. Both parties are agreeable to refer the dispute for resolution by a Sole Arbitrator instead of an Arbitral Tribunal as provided in terms of clause 10.1 of agreement dated 20.10.2014.

6. By consent of parties, I, thus, appoint Mr.Justice.K.P. Sivasubramaniam, retired Judge of this Court,

Dr.Anita Sumanth,J

msv

No.47, Pulla Avenue, Shenoy Nagar, Chennai - 600028 (Mobile No.9444701312) as the Sole Arbitrator to enter upon reference and adjudicate the disputes inter se the parties. The learned Arbitrator may after issuing notice to the parties and upon hearing them, pass an award preferably within a period of six months from the date of receipt of this order. The learned Arbitrator is at liberty to fix his remuneration and other incidental expenses. The proceedings may be conducted under the aegis of the Madras High Court Arbitration Centre and in accordance with the Madras High Court Arbitration Rules.

7. The Original Petition is, accordingly, allowed, leaving the parties to bear their own costs.

18.07.2017

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