

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 29.08.2017

CORAM

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

O.P. No.383 of 2017 and  
Application No.4177 of 2016

Dewy Terraces (Phase 1)  
Flat Owners Association,  
represented by its Secretary .. Petitioner

-vs-

SARE Jubilee Shelters Pvt. Ltd.  
Represented by its Director .. Respondent

**Prayer:** Petition filed under Section 11(6) of the Arbitration & Conciliation Act, 1996 to appoint an arbitrator on behalf of the petitioner association in order to resolve the disputes that have arisen between the petitioner and respondent company.

For Petitioner : Mr.Mahesh Kumar

For Respondent : Mrs.Suganyadevi Duraisamy

**ORDER**

This petition is filed seeking an appointment of Arbitrator to enter upon reference and to adjudicate upon the disputes between the parties arising out of an agreement for maintenance in relation to the Project 'Crescent Parc Dewy Terraces' dated 30.08.2012.

2.Mr.Mahesh Kumar, learned counsel appearing for the petitioner and Mrs.Suganyadevi Duraisamy, learned counsel appearing for the respondent agreed for the appointment of a Sole Arbitrator to adjudicate upon the disputes and suggest unilaterally the name of Mr.Justice P.P.S.Janarthana Raja, Former Judge of this Court.

3.Accordingly and by consent, I thus, appoint Mr.Justice P.P.S.Janarthana Raja, retired Judge of this Court, having residence at Flat - GB, Ground Floor, Ponmari Towers, Old No.7, New No. 13, Montieth Lane, Egmore, Chennai - 600 008. (Mobile No.9176793240), as the Sole Arbitrator to enter upon reference and adjudicate the disputes inter se the parties. He may, after issuing notice to all parties to this petition and upon hearing them, endeavour to pass an award as expeditiously as possible, 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, which shall be borne by both the parties equally. The parties agree that proceedings may be conducted under the aegis of the Madras High Court Arbitration Centre in accordance with the Madras High Court Arbitration Rules.

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

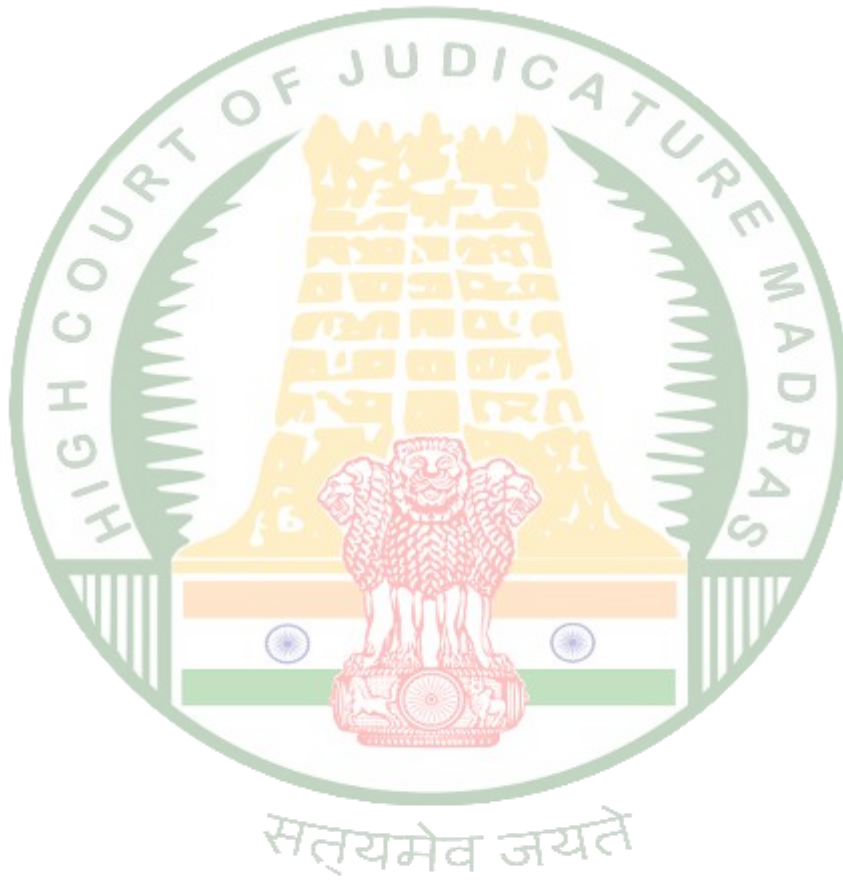
5.Application No.4177 of 2016 is filed in terms of Section 9 of Arbitration and Conciliation Act and prays for an appointment of an Advocate Commissioner to visit the premises and conduct inspection of the same for the purpose of obtaining information on the present status of the approach roads to the project, amenities existing in the project and to audit the books of account maintained by the respondent in relation to maintenance charges being collected by the respondent pending initiation and disposal of arbitration proceedings.

6.Insofar as the Arbitrator has been appointed in O.P. No.383 of 2017, this application is transferred to the learned Arbitrator who may considered the same on priority as an interim application under section 17 of the Act.

7. The Application is disposed of in the above terms.

29.08.2017

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**Dr.ANITA SUMANTH,J.**

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