

In the High Court of Judicature at Madras

Dated : 10.02.2017

Coram :

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

O.P.No.884 of 2016

M/s.Fun World & Resorts India Pvt.
Ltd., Rep. by its Managing Director,
Mr.Vinod Kumar Sabharwal. .. Petitioner

-VS-

- 1.The Managing Director,
Tamil Nadu Tourism Development
Corporation, No.2, Wallajah Salai,
Chennai 600 002.
- 2.The General Manager
Tamil Nadu Tourism Development
Corporation, NO.2, Wallajah Salai,
Chennai 600 002. .. Respondents

Petition filed under Section 11 (6) of the Arbitration and Conciliation Act, 1996, to appoint an Arbitrator on behalf of the respondent, as per the provisions of the Arbitration and Conciliation Act, 1996, so as to enable the constitution of an Arbitral Tribunal under clause 29 of the Agreement to adjudicate all disputes between the petitioner and the respondents.

For Petitioner : Mrs.N.Seetha Lakshmi
for M/s.M.Vijay Anand

For Respondents : Mr.T.N.Rajagopalan
Spl.G.P.

* * * * *

ORDER

On hearing the learned counsel for parties, it transpires that as per the Deed Agreement dated 03.01.2009, there is no dispute about the existence of arbitration clause 29 or the existence of disputes or the jurisdiction of the Court. The only issue is that the arbitration clause envisaged the arbitration by the Managing Director himself, which is not feasible in view of the amendment to the Arbitration and Concliation Act, 1996.

2.It is, thus, agreed that Mr.J.Kanagaraj, a retired Judge of this Court, be appointed as the Sole Arbitrator to enter upon reference and adjudicate the disputes inter se the parties and that the arbitration proceedings take place under the aegis of the Madras High Court Arbitration Centre.

3.I, thus, appoint **Mr.Justice J.Kanagaraj, a retired Judge of this Court,** as the Sole Arbitrator to enter upon the reference and adjudicate the disputes inter se the parties. As requested, 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. In case of non-availability of the Madras

High Court Arbitration Centre, the case may be held at Nani Palkhivala Arbitration Centre at No.22, Karpagambal Nagar, Mylapore, Chennai-600 004.

The original petition is, accordingly, allowed, leaving the parties to bear their own costs.

(S.K.K., CJ.)
10.02.2017

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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

(sra)

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