

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

WEDNESDAY, THE 28TH DAY OF MARCH 2018

THE HON'BLE DR.JUSTICE ANITA SUMANTH

O.A.No.167 of 2018

In the matter of Arbitration
and Conciliation Act, 1996

and

In the matter of an application
under Section 9 of the said
Act, and In the matter of
Arbitration agreement dated
23.01.2003 between Tamil Nadu
Tourism Development
Corporation Limited and Indeco
Leisure Hotels Pvt.Ltd

M/s. Indeco Leisure Hotels Pvt Ltd
Rep.by Chairman Managing Director
Mr.Steve Borgia
Having registered office at
No.56, 4th Street, Abiramapuram
Chennai 600 018

...Applicant

-vs-

Tamil Nadu Tourism Development Corporation
rep.by Chairman Managing Director
Tamil Nadu Tourism Complex
No.2, Walaji Road,
Chennai 600 002

...Respondent

Original Application praying that this Hon'ble Court be

pleased to grant an order of injunction restraining the

Respondent, their agents/servants/men including their

Regional Committee in Mahabalipuram in any way taking any

action in any manner whatsoever to, forcefully evict the

Applicant from the Hotel Tamil Nadu Camping site at

Mahabalipuram without following the due process of law, pursuant to the instructions/directions of the Respondent as in their order dated 09.02.2018 appended to their claim letter dated 09.02.2018 and in the said claim letter dated 09.02.2018 pending further order of this Hon'ble Court.

This Original Application coming on this day before this court for hearing, the Court made the following order:

This application prays for an order of injunction restraining the respondent from taking any action to forcefully evict the applicant from Hotel Tamil Nadu camping site at Mahabalipuram without following the due process of law.

2. A Joint Memo of Compromise dated 27.03.2018, duly executed by the parties as well as their respective counsel on record, is filed to the effect that the parties have amicably resolved the issue relating to the vacating of the subject premises and the terms in connection therewith.

3. The Joint memo of compromise dated 27.03.2018 is made part and parcel of this order.

4. It is seen that Franchise Agreement dated 23.01.2003 contains a clause for resolution of disputes inter se the parties by resort to arbitration in accordance

with the provisions of Arbitration and Conciliation of Act, 1966 (in short 'Act').

5. Mr.Vijay Narayan, learned Advocate General appears for Mr.Vijayakumar, learned Counsel for the respondent, concurs both on the existence of disputes between the parties as well the resolution of the same by Arbitration in the light of Clause 33 of the Act.

6. Both learned counsel, Mr.K.Kuppusamy for the applicant and Mr.Vijay Narayan, learned Advocate General for Mr.Vijayakumar, for the respondent, jointly suggest the name of Mr.M.S.Krishnan, Senior Advocate as sole arbitrator.

7. Mr.M.S.Krishnan, Senior Advocate, is thus requested to enter upon reference, issue notice, adjudicate upon the disputes between the parties, and pass an award as expeditiously as possible, preferably within a period of six months from the date of receipt of the order. He is at liberty to fix his fee and schedule of expenses that will be borne by both parties equally.

8. I also accept the joint suggestions of learned counsel that the proceedings for arbitration may be conducted under the aegis of the Madras High Court Arbitration Centre and in accordance with the rules of the Centre.

9. This Original application is closed in terms of the memo of compromise as above.

Sd./-A.S.M.J
28.03.2018

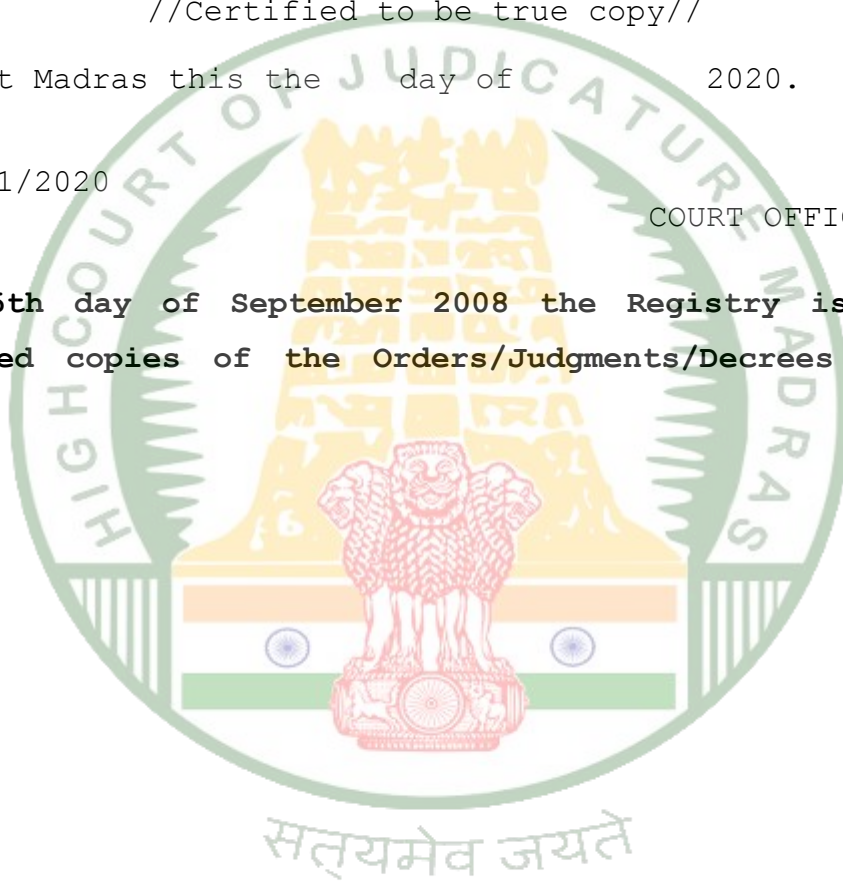
//Certified to be true copy//

Dated at Madras this the day of 2020.

JJ 29/01/2020

COURT OFFICER (O.S.)

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