

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 24.01.2018

CORAM

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

O.P. No.504 of 2017

Mr.Nest Infra
Rep by its Managing Partner
Mr.G.Suresh,
S/o. G.Bulli Babu,
New No.81 (Old No.41)
Government Arts College Road,
Coimbatore - 641 018

Presently at:
No.4.A, Pranav,
1st Street, Palanisamy Naidu Colony,
Civil Aerodrome Post,
Coimbatore - 641 014

.. Petitioner

-VS-

1.A.S.Uthayakumar,
S/o. S.S.Sdathyamurthy

2.Mrs.Yashothaa
W/o. Uthayakumar

Both are residing at,
No.5A, Bharathi Colony,
Subbu Garden, Peelamedu,
Coimbatore - 641 004

.. Respondents

Prayer: Petition filed under Section 11(6) of the Arbitration & Conciliation Act, 1996 to constitute an Arbitral Tribunal consisting of a Sole Arbitrator, seated in Coimbatore, to decide all disputes under the Joint Development Agreement dated 28.02.2013.

For Petitioner : Mr.Mukunth

For Respondents : Mr.V.Ananthamurthy

ORDER

This petition is filed seeking appointment of an Arbitrator to arbitrate upon disputes arising under a Joint Development Agreement dated 28.02.2013 between the parties.

2. The clause for Arbitration as well as the factum of disputes between the parties is admitted by both Mr.Mukunth, learned counsel for the petitioner and Mr.V.Ananthamurthy, learned counsel for the respondents. Clause 12.06 reads as follows:

'12.06. Both parties agree that any dispute arising out of or in relation to this agreement, interpretation of any clauses of this agreement or any matter touching upon this agreement shall be first discussed by the DEVELOPER and the OWNERS, failing which the parties shall try to fix and use a third party agreeable to both the DEVELOPER and the OWNERS for conciliation and if the conciliation process is not successful, then, either party can approach the Coimbatore chapter of the Chamber of Commerce for appointment of a sole arbitrator and the decision of such arbitrator shall be final and binding on the parties. The venue of arbitration shall be at Coimbatore.'

3. Both learned counsel concur on the position that the Coimbatore Chamber of Commerce does not have a panel of Arbitrators from out of which a suitable appointment may be made.

4.The learned counsel agree that Mr. Sri.S.A.Sreeramulu, Retired District Judge be appointed as Sole Arbitrator in satisfaction of the procedure set out under the clause extracted above.

5.I, thus, appoint Mr.Sri.S.A.Sreeramulu, Retired District Judge, Coimbatore 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 as expeditiously as possible, preferably within a period of six months from the date of receipt of the order. The learned Arbitrator is at liberty to fix his remuneration and other incidental expenses.

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

24.01.2018

msv

To

Mr. Sri.S.A.Sreeramulu,
Retired District Judge,
2A, 5th Cross,
Bharathi Colony (Lal Bahadur Colony)
Near L&T Aartments (Opp) Gopal Naidu School,
Peelamedu,
Coimbatore - 641 004,
Mobile No.9842263173.

WEB COPY

Dr.Anita Sumanth,J.
msv



O.P. No.504 of 2017

WEB COPY

24.01.2018