

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

MONDAY, THE 24TH DAY OF SEPTEMBER 2018

THE HON'BLE MR. JUSTICE C.SARAVANAN

O.P. No.396 of 2018

In the matter of the Indian
Arbitration and Conciliation
Act, 1996

and
dispute between Mr.Nishant
H.Doshi & Mrs.Purnima H.Doshi
and M/s.Ozone Projects
Private Limited, Chennai

1. Mr.Nishant H.Doshi,

2. Mrs.Purnima H.Doshi,

1 & 2 are at The Metrozone,
H Block, Flat No.1303, 13th Floor,
Off.Jawaharlal Nehru Road,
Anna Nagar, Chennai-600 040.

... Petitioners

-Versus-

M/s.Ozone Projects Private Limited,
rep. by its Managing Director,
New No.63, Old No.32, G.N.Chetty Road,
T.Nagar, Chennai-600 017.

... Respondent

Original petition praying that this Hon'ble Court be
pleased to appoint an Arbitrator to arbitrate the dispute
between the petitioners and the respondent.

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

This Petition has been filed for appointment of

Arbitrator under Section 11(6) of the Arbitration and
Conciliation Act for appointment of an Arbitrator to

arbitrate the dispute between the petitioners and the respondent.

2. With the consent of both parties, this petition was taken up for appointment of Arbitrator. By letter dated 25.09.2018, Mr.K.Jayaraman, retd. District Judge was appointed as Sole Arbitrator in terms of Clause 22(a) of the Construction agreement dated 25.06.2010.

3. However, the learned Arbitrator appointed by the respondent expressed his inability to initiate arbitration proceedings. Thereafter, the respondent by letter dated 30.03.2018 addressed a letter to Mr.S.Manoharan, retd. District Judge to act as a Arbitrator. The petitioner has come forward through this application challenging his appointment as a Arbitrator.

4. Learned counsel appearing for the petitioners submits that failure of the respondent to commence arbitration proceedings has resulted in prejudice and therefore, prayed for appointment of a neutral arbitrator.

5. Learned counsel for the respondent consented for appointment of a neutral Arbitrator by this Court.

6. Recording the same, Mr.S.Silambanan, Senior Advocate is appointed as the Sole Arbitrator to adjudicate the disputes inter-se between the parties. 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. Requirement of Section 11(8) of the Arbitration and Conciliation Act, 1996 is dispensed with as the appointment is made with the consent of the respective counsel.

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

Sd/-C.S.N.J

24/09/2018

//Certified to be a true copy//

Dated this the day of 2018

JJ 09.11.2018

COURT OFFICER

From 25.09.2008 the Registry is issuing certified copies of the Order/Judgment Decree in this format.