

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 08TH DAY OF FEBRUARY 2018

THE HON'BLE DR.JUSTICE ANITA SUMANTH

A.No.4736 of 2017

In the matter of Arbitration
and Conciliation Act, 1996
And
In the matter of Arbitration
Agreement dated 30.11.2016

M/s. Star Music Records
represented by its Partner
Mr.B.Poonam Chowdry
New No.14, Old No.46/1
Kannadasan Street, T.Nagar,
Chennai 600 017.

... Applicant

vs

M/s. Noble Broadcasting Private Limited
No.306 (151) Purasawalkam High Road,
Chennai 600 010.

... Respondent

Application praying that this Hon'ble Court be pleased to direct the respondent to furnish security in favour of the applicant to a sum of Rs.14,46,568/- pending conclusion of the Arbitration Proceedings.

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

This application under Section 9 of the Arbitration and Conciliation Act 1996 is filed praying for a direction to the respondent to furnish security to the tune of Rs.14,46,568/-.

2.Heard Mr.C.Ramesh, learned counsel for the applicant and Mr.G.Krishnakumar, learned counsel for the respondent.

3.Learned counsel for the respondent concurs on the existence of disputes between the parties.

4.The agreement between the parties dated 30.11.2006 provides for resolution of disputes by Arbitration in terms of Clause 18 by an Arbitral Tribunal comprising of three members. Both learned counsel suggest that a sole Arbitrator may be appointed in place of the Tribunal provided for.

5.A memo dated 08.02.2018 has been filed by the applicant nominating Mr.J.Krishnamurthy, District Judge as the Sole Arbitrator and the learned counsel for the respondent consents to the aforesaid nomination.

6.Thus and upon the joint consent expressed by both learned counsel, Mr.J.Krishnamurthy, District Judge (retired) is requested to act as the Sole Arbitrator, enter upon reference in the matter and adjudicate upon the disputes inter se the parties.

7.The learned Arbitrator is at liberty to fix his remuneration and other incidental expenses, which shall be borne by both the parties equally.

8.The present application is transferred to the learned Arbitrator who will consider and dispose of the same as an Application under section 17 of the Arbitration and Conciliation Act, 1996 in accordance with law.

9.This application is disposed of in the above terms leaving the parties to bear their own costs.

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

08.02.2018

//Certified to be a true copy//
Dated this the day of 2018

JJ 03/05.2018

COURT OFFICER

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