

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

TUESDAY, THE 09th DAY OF OCTOBER 2018

THE HON'BLE MR. JUSTICE C.SARAVANAN

O.P. No.659 of 2018

In the matter of Arbitration and
Conciliation Act, 1996

and

In the matter of Mr.Kishore
Srinivasan & Amar Prakash
Developers Pvt. Ltd.,

and

In the matter of Arbitration
Agreement dated 28.10.2015

1. M/s.Kishore Srinivasan,
S/o.G.Srinivasan,

2. G.Srinivasan,
1 & 2 are at No.5, B-Block,
Ajay Apartments Hanumantha Road,
Balaji Nagar, Royapettah,
Chennai-600 014.

... Petitioners

-Versus-

Amar Prakash Developers Pvt. Ltd.,
No.412/7, G.S.T.Road,
Chrompet, Chennai-600 044.

... Respondent

Original petition praying that this Hon'ble Court be pleased
to:-

a) appoint an arbitrator to resolve the dispute in terms of

the Agreement dated 28.10.2015 entered between the petitioners
and the respondent;

b) award costs of the present proceedings in favour of the petitioner.

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

This application has been filed for appointment of an Arbitrator to resolve the dispute in terms of agreement dated 28.10.2015 entered between the petitioners and the respondent.

2. By letter dated 10.07.2017, one Mr.P.Gurusamy, Advocate agreed to act as an arbitrator to the respondent. However, it transpires that the said Mr.P.Gurusamy is not competent to act as an arbitrator. Therefore, the present petition came to be filed.

3. The learned counsel for the respondent submitted that even before the tenure of the said arbitrator was terminated, the petitioners have filed a petition under Section 11 (6) of the Act and therefore, the petition filed for appointment of an arbitrator is liable to be dismissed. It was noticed that

<https://hcservices.ecourts.gov.in/hcservices/>

Mr.P.Gurusamy is barred under law to act as an arbitrator as per

Section 12 (5) of the Act.

4. When the case was taken up for hearing on 05.10.2018, the petitioner was directed to get written consent from Hon'ble Justice. K.Chandru (Retd), High Court, Madras to act as an Arbitrator to resolve the dispute between the parties.

5. A copy of email of Hon'ble Justice K.Chandru (Retired) has been produced by the petitioners' counsel. Recording the same, Hon'ble Justice K.Chandru, (Retired) residing at No.4-B, Kanchana, 78, St.Marys Road, Abiramapuram, Chennai - 18, Mobile No: 9444390962 is appointed as the Sole Arbitrator to enter upon reference and adjudicate the disputes *inter se* the parties, may, after issuing notice to the parties and upon hearing them, pass an award as expeditiously as possible, preferably within a period of one year from the date of receipt of the order. 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.

6. Accordingly this petition is allowed, leaving the parties to bear their own costs.

Sd/-C.S.N.J

09/10/2018

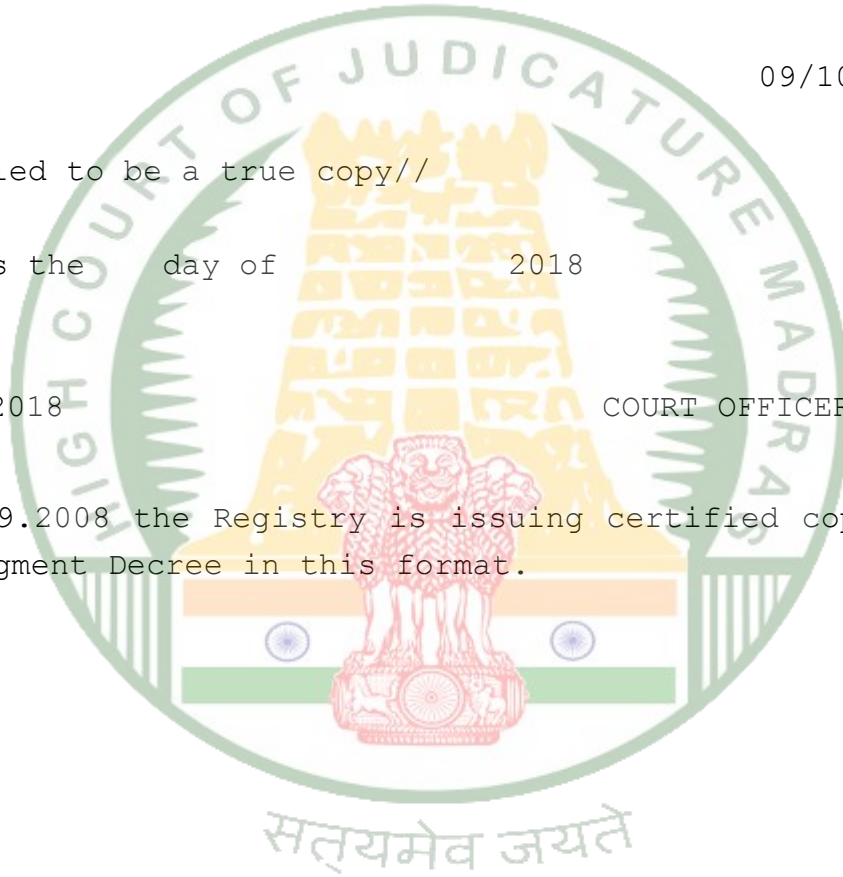
//Certified to be a true copy//

Dated this the day of 2018

JJ 29.11.2018

COURT OFFICER

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



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