

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.11.2018

CORAM

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

O.P.NO.779 OF 2018

1.Manoj Kumar, P.C.,
2.P.R.Veeraraghavan

.. Petitioners

-vs-

1.M/s.Springfield Shelters P. Ltd.,
Rep. by its Directors
2.C.Raja
3.Ch.Venkateswara Rao
4.Ch.Gopalakrishna Murthy
5.C.Baskar
6.D.Rajeswari

.. Respondents

PRAYER: Petition filed under Section 11 of the Arbitration & Conciliation Act, 1996 to appoint and constitute either Sole Arbitrator or more Arbitrators to head a Tribunal to adjudicate the claim of the petitioners.

For Petitioners : Mr.V.Manohar
For Respondent-2: Mr.C.Veeraraghavan

ORDER

This Original Petition is filed by the petitioners seeking appointment of Arbitrator to resolve the disputes between the petitioners and the respondents.

2. Pursuant to the Joint Development Agreement dated 02.04.2013 entered into between the parties, the owners of the land have preferred this Original Petition. Clause 16 of the Joint Development Agreement, specifies Arbitration Clause, which reads as under:

"16. Arbitration Clause :

In the event of any dispute or difference arising between the parties in regard to this agreement or the development of the A Schedule property, they shall endeavor to settle the same by mutual negotiations / discussions. In the event of their being unable to arrive at a mutually agreeable solution, they shall refer such dispute / difference to Arbitration. Such reference shall be to a sole Arbitrator who shall be mutually appointed by both the parties. Arbitrator shall be final and binding on the parties. The venue of the arbitration shall be Coimbatore. It is further agreed between the parties that, in case of dispute, the parties hereto shall be entitled to seek such reference of the dispute jointly and not individually. In the presence of the witness hereto this agreement has been executed by both the parties hereto on the date and year mentioned above which has been prepared in duplicate and shall be retained each one copy by both the parties."

3. The petitioners have issued a notice for appointment of Arbitrator under Section 11 of the Arbitration & Conciliation Act, 1996. It is also seen from the records that the petitioners have preferred an Arbitration Original Petition under Section 9 of the Arbitration & Conciliation Act, 1996, wherein the respondents have agreed to resolve the dispute through Arbitrator, however, they failed to respond.

4. This Court admitted this Original Petition on 03.09.2018 and issued notice to the respondents returnable by 17.09.2018. Despite service of notice on the respondents, they have not chosen to appear before this Court, except the second respondent, one of the Directors of the first respondent Company.

5. The second respondent expressed no objection for appointment of Arbitrator and both the learned counsel agreed that Mr.S.A.Sriramulu, Retired Judge, be appointed as Sole Arbitrator.

6. This Court, thus, appoints Mr.S.A.Sriramulu, Retired Judge, No.2-A, 5th Cross Street, Lal Bahadur Colony, Bharathi Nagar, Peelamedu, Coimbatore - 641 004, Phone: 0422 - 2565706, Mobile

No.9842263173, as the Sole Arbitrator, to enter upon reference and adjudicate the disputes *inter se* the parties. He 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. 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. The Original Petition is ordered accordingly, leaving the parties to bear their own costs.

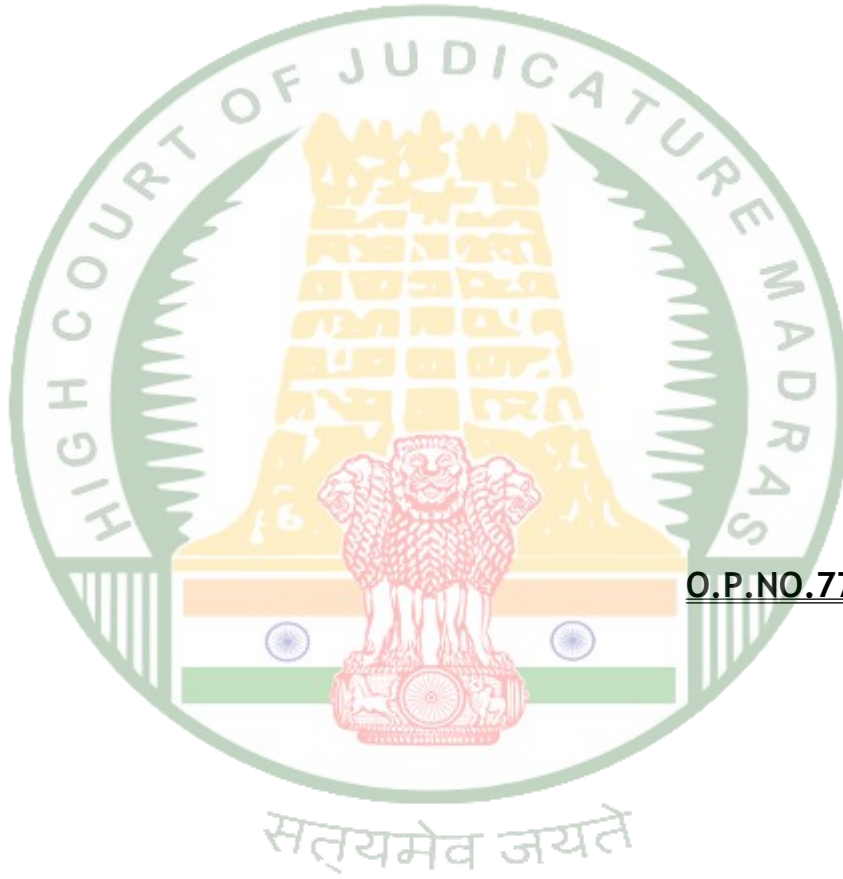
14.11.2018

TK/BKN

WEB COPY

M.GOVINDARAJ, J.

TK/BKN



O.P.NO.779 OF 2018

WEB COPY

14.11.2018