

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.06.2019

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

O.P.No.35 of 2019

Shriprop Structures Pvt. Ltd.
Rep. by its Authorized Signatory,
Lakshmi Neela Rite Chamber, 1st Floor,
New No.9, Bazullah Road, T.Nagar,
Chennai-600 017
Mr.Ravie Kumar

.. Petitioner

Vs.

K.P.Vijayakumar

.. Respondent

* * *

Prayer : Petition filed under Section 11(6) of the Arbitration and Conciliation Act, 1996, praying to appoint an Arbitrator to adjudicate the disputes arising out of the Sale Agreement dated 20.01.2014 and Construction Agreement dated 20.01.2014 between the petitioner and the respondent.

* * *

For Petitioner : Mr.G.Balasubramanian

For Respondent : Served – No Appearance

WEB COPY
ORDER

This Original Petition is filed seeking appointment of an Arbitrator to adjudicate the disputes arising out of the Sale Agreement dated 20.01.2014 and Construction Agreement dated 20.01.2014 between the petitioner and the respondent.

2. The petitioner and the respondent entered into the Sale Agreement dated 20.01.2014 and the Construction Agreement of even date. The total cost of the flat was fixed at Rs.57,18,252/- and payment schedule was drawn and annexed in the construction agreement. Pursuant to the same, the respondent had paid certain sums of money to the petitioner and was in due in respect of the balance amount. The respondent did not come forward to pay the said amount and to complete the registration formalities. Hence, the petitioner invoked Clause 63 of the Construction Agreement and Clause 15 of the Sale Agreement, which provides for arbitration, if there is any dispute between the parties and nominated Hon'ble Mr.Justice K.Raviraja Pandian, a retired Judge of this Court. Since the respondent did not agree for arbitration and existence of a dispute, the petitioner is before this Court.

3. Heard the learned counsel appearing on behalf of the petitioner.

4. Having considered the submission of the learned counsel for the petitioner, this Court appoints Hon'ble Mr.Justice J.A.K.Sampath Kumar, a retired Judge of this Court, residing at No.5, Maigai

Vinayagar Street, Kripa Garden, Amaravathi Avenue, Madipakkam, Chennai-600 091, (Phone No.94449 53598), 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. 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.

5. The Original Petition is ordered accordingly, leaving the parties to bear their own costs.

18.06.2019

gg

सत्यमेव जयते

WEB COPY

PUSHPA SATHYANARAYANA, J.

gg



O.P.No.35 of 2019

WEB COPY

18.06.2019