

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 28.06.2019

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

O.P.No.291 of 2019

S.Prem Kumar

.. Petitioner

-VS-

M/s.Green Tree Homes and Ventures Pvt. Ltd.,
Rep by its Director Mr.Sathyamoorthy,
No.13, Sreeman Srinivasan Road,
Alwarpet, Chennai – 600 018.

.. Respondent

Prayer: Petition filed under Section 11 of the Arbitration & Conciliation Act, 1996 to appoint a Sole Arbitrator to resolve the disputes among the parties arising out the Joint Development Agreement dated 15.09.2011.

For Petitioner : Mr.V.Chandraprabu

For Respondent : Served – No appearance

ORDER

This petition seeks appointment of a Sole Arbitrator to resolve the disputes between the petitioner and respondent.

2. The petitioner along with other 65 owners have jointly entered into an development agreement dated 15.09.2011, wherein the respondent has agreed to carry out the project work of

demolishing the existing whole super structure belonging to the 66 owners. Under the said agreement, the respondent had agreed to construct four storied building in the said premises making entire capital investment in the said constructions and meeting all expenses in demolishing the existing super structure. Pursuant to the development agreement dated 15.09.2011, the parties have entered into an agreement for allotment of Apartment/Flat dated 01.12.2012. Accordingly, Flat No.3023 has been allotted to the petitioner in the proposed new construction. As per the agreement, the entire construction has to be completed within 24 months from the date of receipt of approval from the CMDA and the respondent has to pay the rental compensation till the final completion of the construction of the building. It is stated that the respondent had not only demolished the whole super structure but also not started the construction of the new building till date and had also not paid the rental compensation from January 2013. The respondent has also taken away the original title deed of the petitioner that was deposited in the bank locker. Hence, the petitioner has sent a letter to the respondent seeking their consent for appointment of Arbitrator. However, the same was returned with an endorsement "Left". Hence, the petitioner has filed this petition.

3. Heard the learned counsel for the petitioner.

4. Having regard to the submissions of the learned counsel for the petitioner, this Court appoints Hon'ble Mr. Justice A. Ramamurthi, a retired Judge of this Court, residing at Plot No.9 (HIG), TNHB Phase-II, Nalambur, Mogappair West, Chennai – 600 037, 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, accordingly, allowed, leaving the parties to bear their own costs.

28.06.2019
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PUSHPA SATHYANARAYANA, J.

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