

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2019

CORAM

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

O.P.No.524 of 2019

1. R.Ramamurthy
2. R.Viswanathan

.. Petitioners

Vs.

Sumanth & Co.,
rep. by its Managing Partner,
Sumanth Subramanian,
No.8/57, Luz Avenue,
Mylapore, Chennai-600 004.

.. Respondent

* * *

Prayer : Petition filed under Section 11(6) of the Arbitration and Conciliation Act, 1996, praying to appoint a learned Arbitrator to resolve the dispute between the parties in accordance with the Joint Venture Development Agreement dated 11.10.2012 and in accordance with the provisions of the Arbitration and Conciliation Act, 1996.

* * *

For Petitioners : Mr.PL.Narayanan

For Respondent : Mr.R.Parthasarathy

ORDER

The petitioners have filed this Original Petition seeking for appointment of a learned Arbitrator to resolve the dispute between the parties pursuant to the Joint Venture Development Agreement dated 11.10.2012.

2. The petitioners entered into a Joint Venture Development Agreement with the respondent on 11.10.2012 for the development of the property measuring 2 grounds and 1839 sq.ft. Alleging that there are so many defects in the construction, besides non-return of original parent title documents and also short delivery of 542 sq.ft. of the constructed area, they retained a sum of Rs.2,60,40,000/-. The petitioners also issued a notice on 16.05.2018 pointing out the deficiency, which was not replied to by the respondent. Another notice dated 23.08.2018 (mistakenly mentioning the date as 23.02.2018) was sent by the petitioners calling upon the respondent to name an Arbitrator within 7 days. Subsequently, both the parties nominated their arbitrators, but there is no consensus with regard to the appointment of the third Arbitrator. In the said circumstances, the petitioners seeking for appointment of a Sole Arbitrator, in order to reduce the arbitration expenses and arrive at an earlier solution, filed this petition under Section 11(6) of the Arbitration and Conciliation Act, 1996.

3. Heard the learned counsel for the petitioner and the learned counsel appearing on behalf of the respondent, who are agreeable for the appointment of a Senior Advocate of this Court as sole Arbitrator.

4. Considering the submissions of the learned counsels on either side, Mr.AR.L.Sundaresan, Senior Advocate, having office at No.247, Law Chambers, High Court Buildings, Chennai-600 104, is appointed 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 shall be conducted preferably in the Madras High Court Arbitration Centre and in accordance with the Madras High Court Arbitration Rules. The appointment of the Arbitrator will be subject to the disclosure and declaration made, as per the Sixth Schedule to the Arbitration and Conciliation Act, 1996 coupled with the amendments made therein.

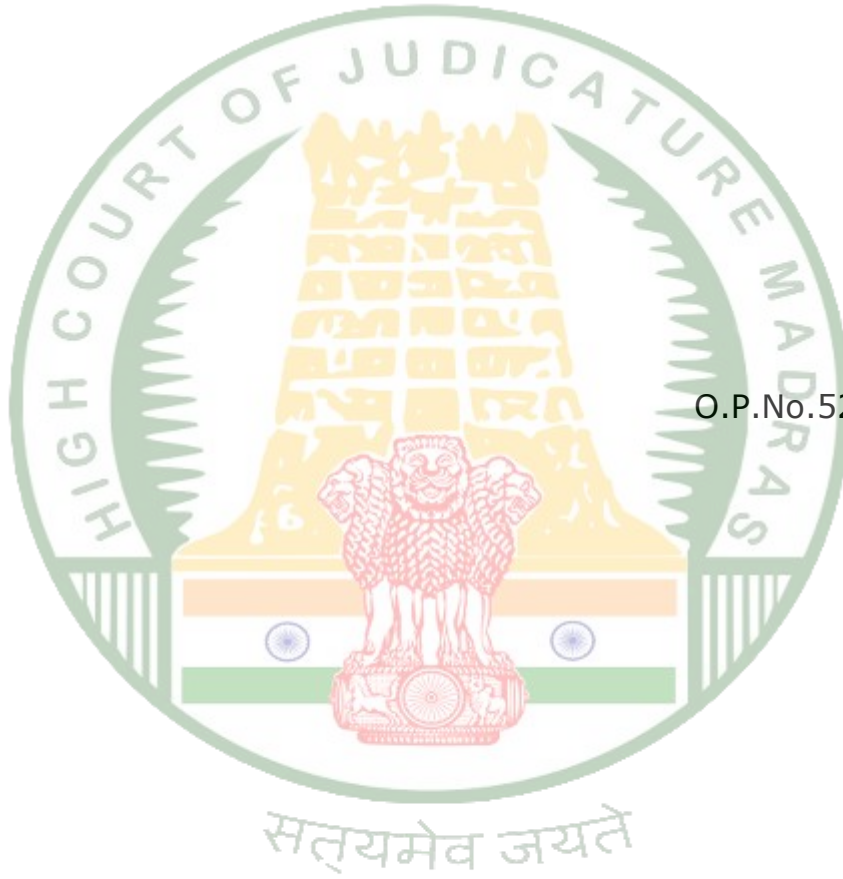
5. The Original Petition is ordered accordingly. The parties shall bear their own costs.

18.11.2019

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PUSHPA SATHYANARAYANA, J.

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