

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.11.2019

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

O.P.No.500 of 2019

Arun S.Iyer

.. Petitioner

-VS-

Amar Prakash Developers Pvt. Ltd.,
No.42, Rajendra Prasad Road,
Nehru Nagar, Chromepet,
Chennai - 600 044.

.. Respondent

Prayer: Petition filed under Section 11(6) of the Arbitration & Conciliation Act, 1996 to appoint an independent Sole Arbitrator to hear and decide the claims of the petitioner arising out of the project Promotion and Construction Agreement dated 23.09.2016.

For Petitioner : Mr.P.Chandrasekar

सत्यमेव जयते
ORDER

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

2.The petitioner entered into an Agreement of Project Promotion and

Construction on 23.09.2016 registered as Doc.No.15723 of 2016 with the respondent Company to purchase an apartment in No.M-649 in the 6th Floor, Block No.M, Phase III of the Residential Project, TEMPLE WAVES with super built up area of 645 sq.ft (including proportionate undivided share in the common constructed area). The sale consideration was fixed at Rs.26,32,113/- inclusive of all amenities. The Sale Deed has been executed in favour of the petitioner vide Doc.No.15724 of 2016 dated 24.10.2016. But the respondent failed to keep up the promise as per the agreement even though the petitioner has complied with all the formalities and payments as per the schedule. As per the construction agreement, the respondent had agreed to complete the construction and hand over the apartment on or before March 2017, but when the petitioner visited the site, no work has been completed. Hence, the petitioner had sent Arbitration Notice dated 10.05.2019 to the respondent, but no proper response was shown on the side of the respondent. Hence, the petitioner has filed this petition.

3.Heard the learned counsel appearing for the petitioner. Though the respondent has taken time from 17.07.2019, no counter is filed so far by the respondent. Mr.D.Ravichandran, learned counsel seeks further time, but this Court is not inclined to grant further time and hence, the respondent is set exparte.

4.Having regard to the submissions of the learned counsel for the petitioner, this Court appoints Mr.S.Sounthar, Advocate, No.299, Law Chambers, High Court Buildings, Chennai - 600 104, Mob: 9840225978, 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.

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K.KALYANASUNDARAM, J.

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