

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.12.2019

Coram

THE HONOURABLE MR. JUSTICE M.SUNDAR

O.P.No.855 of 2019

Ashok Nandavanam Properties Pvt. Ltd.,
Rep. By its Director
Mr.A.Sivasankar
No.11, F-Block, 2nd Main Road
Anna Nagar East
Chennai - 600 102

... Petitioner

vs.

Anbarasu

... Respondent

Original Petition filed under Section 11 (6) of the Arbitration and Conciliation Act, 1996, to appoint Arbitrator to resolve the dispute between the petitioner and the respondent as per clause 7 of the Agreement for Sale dated 18.11.2016.

For Petitioner : Mr.M.R.Elavarasan
for Mr.K.Balu

For Respondent : Mr.R.Ramachandran

ORDER

Mr.M.R.Elavarasan, learned counsel representing the counsel on record for petitioner and Mr.R.Ramachandran, learned counsel representing the

counsel on record for lone respondent are before this Court.

2. Instant 'Original Petition' ('OP' for brevity) has been filed under Sub-section (6) of Section 11 of 'The Arbitration and Conciliation Act, 1996' (hereinafter 'A & C Act' for the sake of brevity) with a prayer for appointment of an Arbitrator.

3. Both the learned counsel submit that there is no dispute or disagreement regarding existence of an arbitration agreement. Arbitration agreement is in the form of a covenant in a sale agreement between the petitioner and the respondent, being agreement dated 18.11.2016 captioned 'AGREEMENT FOR SALE' and said covenant is Clause 7, which reads as follows:

'7. Any dispute arising out of this Agreement will be settled through the arbitration proceedings in accordance with the provisions of the Arbitration and Conciliation Act, 1996, the venue of the Arbitration is Chennai.'

4. As there is no dispute or contestation regarding existence of an arbitration agreement between the petitioner and the respondent, both the learned counsel submitted, on instructions, from the respective clients i.e., petitioner and respondent that an Arbitral Tribunal constituted by a sole Arbitrator

can be appointed for entering upon reference and resolving the arbitrable disputes that have arisen between the petitioner and the respondent qua Sale Agreement dated 18.11.2016.

5. This Court appoints Mr.V.P.Raman, Advocate, having address for service at New No.15, Old No.7, Ajay Apartments, 4th Floor, Flast 4-A, Hanumantha Road, Balaji Nagar, Royapettah, Chennai – 600 014 (Mob No.9840885757) as Sole Arbitrator, who shall enter upon reference and adjudicate the arbitral disputes between the parties at the Arbitration and Conciliation Centre under the aegis of this Court in accordance with the Madras High Court Arbitration Proceedings Rules, 2017 and the Madras High Court Arbitration Centre (MHCAC) (Administrative Cost and Arbitrator's Fees), Rules 2017.

Instant OP is disposed of on above terms. No costs.

13.12.2019

Speaking order: Yes/No
Index: Yes/No
gpa

सत्यमेव जयते

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M.SUNDAR.J.,

gpa

To

Mr.V.P.Raman,
New No.15, Old No.7, Ajay Apartments,
4th Floor, Flast 4-A,
Hanumantha Road,
Balaji Nagar,
Royapettah, Chennai – 600 014
Mob No.9840885757)

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