

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.12.2019

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THE HONOURABLE MR. JUSTICE M.SUNDAR

O.P.No.922 of 2019

C.J.Charles Rajkumar
Proprietor
M/s.Kiruba Constructions
No.11, Cross Street
West Karikalan 3rd Street
Adambakkam, Chennai - 600 088

... Petitioner

vs.

1. Mrs.Rahamathunnisa
2. Mr.I.Syed Ahmed

... Respondents

Original Petition filed under Section 11 (5) of the Arbitration and Conciliation Act, 1996, to appoint Arbitrator a sole arbitrator to adjudicate the dispute between the petitioner and the respondent with regard to the Agreement dated 20.01.2016.

For Petitioner : Mr.S.Sathiyarayanan

For Respondents : Mr.M.Kalyana Sundaram
Senior counsel
for Mr.P.Mohanraj

ORDER

Mr.S.Sathiyarayanan, learned counsel on record for petitioner and Mr.M.Kalyana Sundaram, learned senior counsel on behalf of Mr.P.Mohanraj, counsel on record for respondents, are before this Court.

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

3. This application is predicated on an agreement dated 20.01.2016, which is a Joint Development Agreement and the arbitration agreement between the parties is in the form of a covenant in the Joint Development Agreement, which reads as follows:

'The Landowner and the Builders mutually agree to extend full cooperation on each other confirming to the terms of this agreement and for smooth and successful completion of the project within the time frame and if any misunderstanding or dispute arises between the parties the same shall be resolved by arbitrators appointed by each of the parties herein and only the local courts at Chennai will have jurisdiction in case of any dispute.'

4. Learned counsel for petitioner and learned senior counsel, on instructions, on behalf of respondents submit that there is no disputation or contestation regarding existence of an arbitration agreement between petitioner and respondents. Learned counsel went a step further and made a common submission in unison that they have also agreed on a sole arbitrator, though the arbitration agreement talks of arbitrators in plural. This makes the task of disposal of instant OP very simple.

5. The sole arbitrator agreed upon by both parties is Mr.K.M.Srirangan, Advocate, at No.103, Law Chambers, High Court Buildings, Chennai - 600 104 (Mob No.9444067332).

6.This Court appoints aforesaid member of the Bar as sole Arbitrator, who shall enter upon reference and adjudicate the arbitral disputes that have arisen between the petitioner and respondents at the Arbitration and Conciliation Centre under the aegis of this Court in accordance with A and C Act, more particularly the Madras High Court Arbitration Proceedings Rules, 2017 and the Madras High Court Arbitration Centre (MHCAC) (Administrative Cost and Arbitrator's Fees), Rules 2017 and pass an award as expeditiously as possible.

Instant OP is ordered as above. No costs.

19.12.2019

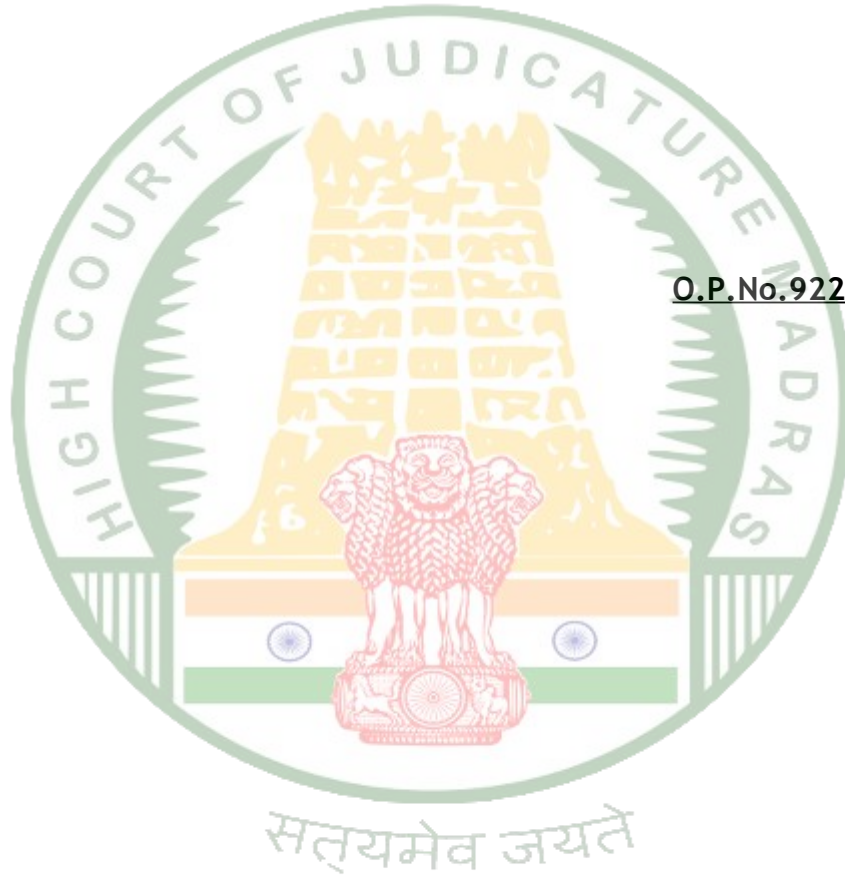
Speaking order: Yes/No
Index: Yes/No
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Note: Registry is directed to communicate this order forthwith to Mr.K.M.Srirangan, Advocate, at No.103, Law Chambers, High Court Buildings, Chennai - 600 104 (Mob No.9444067332).

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M.SUNDAR.J.,

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