

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.09.2020

CORAM :

THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR

OP.No.284 of 2020

M/s.Sree Gokulam Infrastructure Private Limited
Rep.by its Director, V.C.Praveen
Having their registered office at
No.66, Arcot Road, Kodambakkam,
Chennai 600 024.

... Petitioner

Vs.

M/s.Crown Rotmax Engineering Pvt. Ltd.,
Rep.by its Director
Having registered office at
No.5, Seethammal Colony
4th Cross street, Alwarpet,
Chennai 600 018.

... Respondent

PRAYER: Original Petition filed under Section 11(6) of Arbitration and Conciliation Act, 1996 to direct the respondent to appoint an arbitrator to decide the disputes between the parties arising out and in connection with the Joint Venture Agreement dated 18.08.2017.

For Petitioner : M/s.R.Ramya

For Respondent : No appearance

ORDER

This original petition has been filed to direct the respondent to appoint an arbitrator to decide the disputes between the parties arising out and in connection with the Joint Venture Agreement dated 18.08.2017.

2. Despite the name printed in the cause list there is no representation on behalf of the respondent.

3. Contract between the parties provides for arbitration. Clause VII of the joint venture agreement read as follows:-

“In case of any dispute arise between the parties herein in respect of the transaction the same shall be settled in terms of Arbitration and Conciliation Act 1996, each party nominate one Arbitrator and they appoint an Umpire/Presiding Arbitrator and such Arbitration proceedings and decisions shall be final and binding upon the parties and the cost of such arbitration shall be borne by the party at default. The principal place of Arbitration will be at Chennai Only”.

4. However the applicant sent a legal notice dated 07.01.2020 to the respondent. Already the applicant has sent a notice of invocation but the same was also not received by the respondent. It appears that the respondent is evading the receipt of notice. Having regard to the nature of the agreement and there is a specific

contract governing the parties to refer the dispute to the Arbitrator namely the

arbitral tribunal, this Court is of the view that as the respondent has not agreed for appointment of arbitrator as per the contract the matter can be referred to Sole Arbitrator. Accordingly, Mr.P.Shanmugam, retired Judge of this Court, New No.204, T.T.K.Road, Teynampet, Chennai 600 018 is appointed as the Sole Arbitrator to enter upon the reference and 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 shall fix the remuneration and the same shall be borne by the parties equally.

5. With the above observations, these Original Petition is allowed.

10.09.2020

Index:Yes/No

Internet:Yes/No

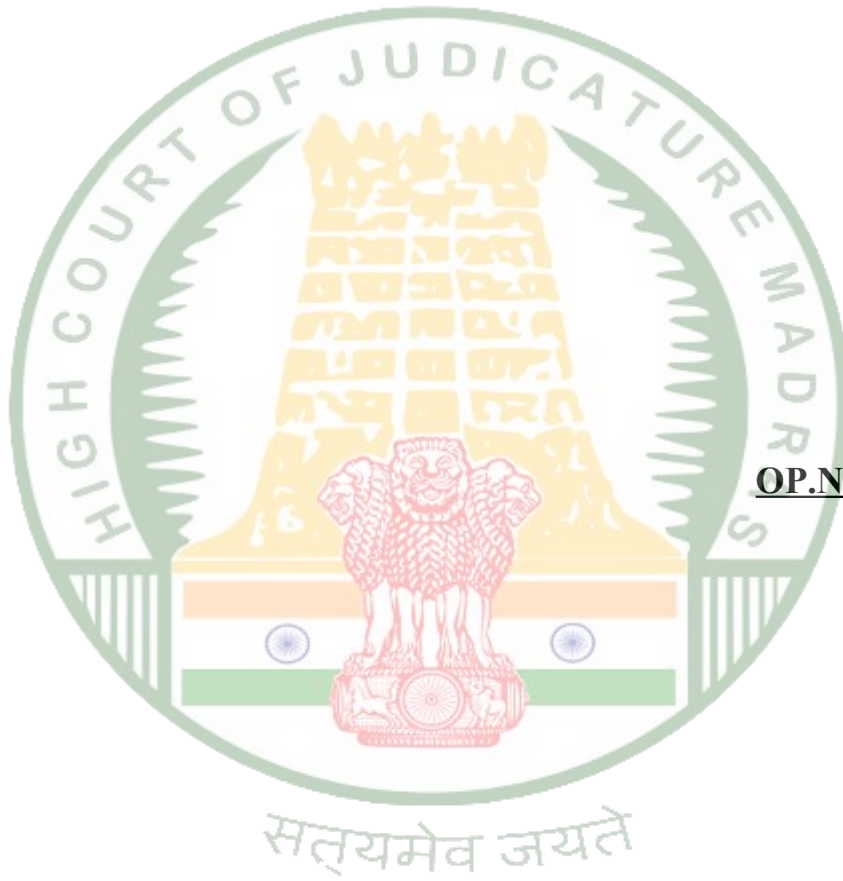
Speaking order/Non-Speaking order

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N. SATHISH KUMAR, J.

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