

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 8/9/2020

C O R A M

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

O.P.No.694 of 2019

a n d

A.No.6757 of 2019

1. Hanudev Inforpark Pvt Ltd
rep. By its Authorised Signatory
Mr.Niranjan Rao
RR Towers III, TVK Industrial Estate
Guindy
Chennai 600 032.

2. Rithwik Infrastructure Pvt Ltd
rep. By its Authorised Signatory
Mr.Niranjan Rao
RR Towers III, TVK Industrial Estate
Guindy
Chennai 600 032.

3. Rithwik Info Park Pvt Ltd
rep. By its Authorised Signatory
Mr.Niranjan Rao
RR Towers III, TVK Industrial Estate
Guindy
Chennai 600 032.

...

Petitioners in both
the cases

Vs

1. Andal Dorairaj
2. Vidhya Sharathram
3. Sharathram
4. S.A.Sreeramulu

Respondents in both
the cases

Prayer in O.P.No.694 of 2019: Petition filed under Sections 11
and 15 of the Arbitration and Conciliation Act, 1996.

Application filed under XIV Rule 8 of Original Side Rules, 1956
r/w. Order 39 Rule 42 of Section 15 CPC.

For petitioners

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Mr.M.S.Krishnan
Senior Counsel
for Mr.Karthik Raja

For respondents

...

Mr.Vineet Subramani

COMMON ORDER

Original Petition No.694 of 2019 has been filed to terminate the
mandate of the fourth respondent to act as an arbitrator and
consequentially to appoint a new arbitrator for the dispute between the
parties.

2. A.No.6757 of 2019 has been filed to grant interim stay of the arbitral proceedings between petitioners and respondents 1 to 3 as conducted by fourth respondent.

3. Having regard to the nature of allegations made in the application to terminate the arbitrator and the submission made by both sides, though the parties have agreed to settle the matter to certain extent, it appears that the matter is not settled in respect of some demand in respect of compensation. Therefore, this Court is of the view that instead of keeping this matter pending, let the matter be resolved by arbitration.

4. When this Court expressed its views to go for a new appointment of an Arbitrator, both the counsel consented to have Mr.Justice K.Kannan as an Arbitrator in this matter.

5. Accordingly, it is ordered as follows:

i) Honourable Mr.Justice K.Kannan, High Court Judge (Retired), residing at New No.22 Gilchrist Avenue, Opp. Harrington Road, Chetpet, Chennai 31, Contact No.9780008145, is appointed as the Arbitrator to enter upon reference and adjudicate the disputes *inter se* the parties.

ii) 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. It is open to the respondent to raise all legal objections as to the validity of contract.

iii) The learned Arbitrator is at liberty to fix his remuneration and other incidental expenses. Same shall be borne by the Applicant herein. In the event of Applicant succeeding in arbitration such fees may be included as costs.

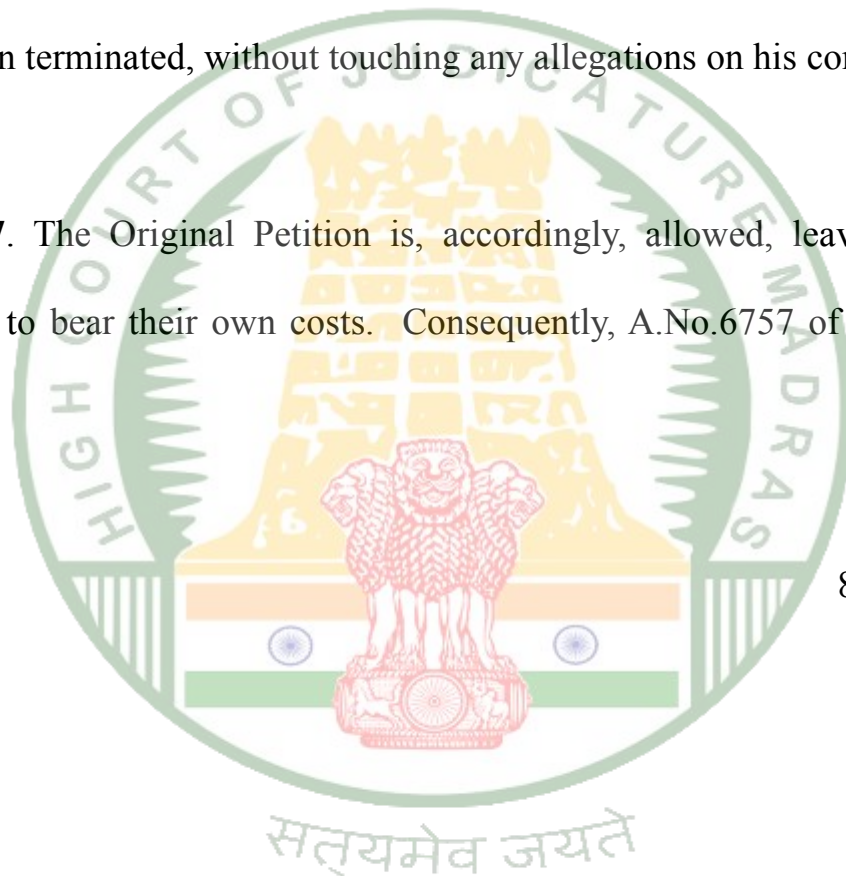
iv) The proceedings may be conducted under the aegis of the Madras High Court Arbitration Centre and in accordance with the Madras High Court Arbitration Rules.

6. Since Mr.Justice K.Kannan, High Court Judge (Retired), is appointed as an Arbitrator, Mr.S.A.Sriramulu, District Judge (Retd.,) has been terminated, without touching any allegations on his conduct.

7. The Original Petition is, accordingly, allowed, leaving the parties to bear their own costs. Consequently, A.No.6757 of 2019 is closed.

mvs.

8/9/2020

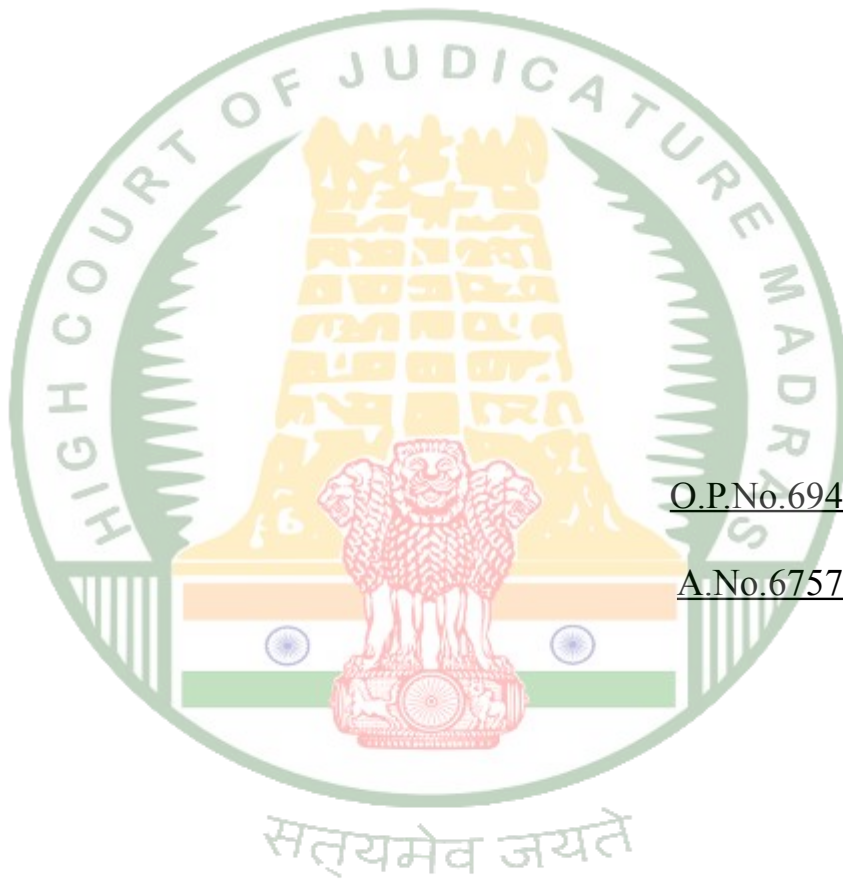


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