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IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

MONDAY, THE 05TH DAY OF JULY 2021

THE HON'BLE MR. JUSTICE N.SATHISH KUMAR

O.P. No.357 of 2021

In the matter of Arbitration and
Conciliation (Amendment) Act, 2016
and

In the matter of dispute between M/s.
Ramaniyam Real Estates Pvt. Ltd.,
and

M/s. Narayana Educational Society,
Arising out of Leave and Let License
Agreement Dated 20.10.2016.

M/s. Ramaniyam Real Estates Pvt. Ltd.,
Rep.by its Managing Director
Mr.V.Jagannathan
Having office at No.17/35, Second Main Road,
Gandhi Nagar, Adyar, Chennai 600 020.

:Petitioner

Vs

M/s. Narayana Educational Society
Rep.by its Secretary Sri Rupukoteswara Rao
Having Registered Office at 14/72
Haranthapuram, Nellore,
Andhrapradesh.

:Respondent

Original Petition praying that this Hon'ble Court be pleased to:-

a) appoint an arbitrator to arbitrate the dispute between the petitioner

and the respondent.

b) Grant cost of this petition.



This Original Petition coming on this day before this court for hearing in the presence of M/s.S.Vaitheeswari, Advocate for the Petitioner herein and the respondent herein not appearing person or by advocate and upon reading the petition filed herein, it is ordered as follows:-

That The Hon'ble Mr.Justice K.Ravichandrababu, Former Judge of Madras High Court, 1 D, Crescent Castle, 13/6, II Crescent, Park Road, Gandhi Nagar, Adyar, Chennai – 20, (Mobile No: 9498033336 and 9444011433) be and is hereby appointed as a Sole Arbitrator to enter upon reference and adjudicate the matter.

ii] That the learned sole Arbitrator appointed herein, shall 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.

iii] That the learned sole Arbitrator appointed herein shall be paid fees and other incidental charges, fixed by him and the same shall be borne by the parties equally.

iv) That both parties hereto shall bear their own costs.

WITNESS THE HON'BLE MR. JUSTICE SANJIB BANERJEE, CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE 05th DAY OF APRIL 2021.

Sd./-

ASSISTANT REGISTRAR (O.S.II)

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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19.07.2021

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O.P. No.357 of 2021

ORDER:-

DATED: 05.07.2021

THE HON'BLE MR. JUSTICE
N.SATHISH KUMAR

FOR APPROVAL: 19.07.2021

APPROVED ON : 20.07.2021

Copy to:

The Hon'ble Mr.Justice
K.Ravichandrabaabu,
Former Judge of
Madras High Court,
Sole Arbitrator
1 D, Crescent Castle, 13/6, II Crescent,
Park Road, Gandhi Nagar, Adyar,
Chennai – 20.

(Mobile No: 9498033336 and
9444011433)

with covering letter



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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 5/7/2021

C O R A M

THE HONOURABLE Mr.JUSTICE N.SATHISH KUMAR

O.P.No.357 of 2021

M/s.Ramaniyam Real Estates Pvt Ltd
rep. By its Managing Director
Mr.V.Jagannathan
Office at No.17/35, Second Main Road
Gandhi Nagar
Adyar
Chennai 600 020.

... Petitioner

Vs

M/s. Narayana Educational Society
rep. By its Secretary
Sri Rupukoteswara Rao
Registered Office at 14/72
Haranthapuram, Nellore
Andhrapradesh.

... Respondent

Original Petition has been filed under Section 11 (6) of the Arbitration and Conciliation Act, 1996, to appoint an Arbitrator to arbitrate the dispute between the petitioner and respondent.

For petitioner ... Mr.S.Vaitheeswari

For respondent ... No appearance.

ORDER



This Arbitration Original Petition has been filed, to appoint an Arbitrator, to arbitrate the dispute between the petitioner and respondent.

2. Both the parties have entered into a registered lease deed, on 19/10/2016. They had also entered into Leave and Let License agreement, on 20/10/2016.

3. Today, when the matter was taken up for hearing, through Video Conferencing, learned counsel appearing for the petitioner submitted that eventhough the petitioner has issued a legal notice, on 13/2/2021, to initiate arbitration proceedings, as per the Clause 18 of the Leave and Let License Agreement, dated 20/10/2016 and the same was received by the respondent, on 18/2/2021, but till date, there is no reply from the respondent giving consent for appointment of an Arbitrator.

4. Heard Ms.S.Vaitheeswari, learned counsel for the petitioners.

5. Eventhough, name of the respondent is printed in the cause list, there was no representation on behalf of the respondent.

6. Accordingly, this Court is inclined to appoint Mr.Justice



K.Ravichandrababu, Former Judge of Madras High Court, as an Arbitrator,
to arbitrate the disputes between the parties.

7. Accordingly, this original petition is ordered as follows:

i) Mr.Justice K.Ravichandrababu, Former Judge of Madras High Court, 1 D, Crescent Castle, 13/6, II Crescent, Park Road, Gandhi Nagar, Adyar, Chennai 20, (Mobile Nos.9498033336 and 9444011433) is appointed as a Sole Arbitrator to enter upon reference and adjudicate the matter.

ii] The learned sole Arbitrator appointed herein, shall 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.

iii] The learned sole Arbitrator appointed herein shall be paid fees and other incidental charges, fixed by him and the same shall be borne by the parties



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equally.

8. This Original Petition is ordered accordingly, leaving the parties to bear their own costs.

Sd./-(N.S.K.J.,)
5/7/2021

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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