



WEB COPY

1

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

WEDNESDAY, THE 06TH DAY OF OCTOBER 2021

THE HON'BLE MR. JUSTICE N.SATHISH KUMAR

O.P. No.276 of 2020

In the matter of Section 11(6) of the
Arbitration and Conciliation Act, 1996

And

In the matter of dispute between
Mr.Shayan Italia, Mr.Dynshaw Fareed
Italia and Benze Vacation Club

And

In the matter of Arbitration Agreement
contained in the Lease Deed dated 6th
January, 2012.

1. Mr.Shayan Italia,
701, 7th Floor, Fairmont Building,
21st, Bandra (W),
Mumbai - 400 050.
 2. Dynshaw Fareed Italia,
701, 7th Floor, Fairmont Building,
21st Road, Bandra (W),
Mumbai – 400 050.
and having his current address at
17, Avenue Mansions, Finchley Road,
London NW3 7 AX, United Kingdom.
- * Rep by his Power Agent Mr.Shayam Italia

... Petitioners

-Vs-

Benze Vacation Club,
A society registered under the
Tamil Nadu Societies



Registration Act, 1975 bearing
Registration No.297/2008
having its corporate office at
New No.23, Old No.11,
Jambulingam Street,
Nungambakkam,
Chennai – 600 034.
Represented through its Secretary,
Mrs.Bhuvaneswari Saravanan.

Also at

No.90, Wellington Plaza,
Anna Salai,
Chennai 600 002.

... Respondents

Original Petition praying that this Hon'ble Court be pleased to
appoint a sole, independent and impartial arbitrator to adjudicate and decide
the disputes between the parties.

This Original Petition coming on this day before this court for
hearing in the presence of Ms.Thanushree Arvind, advocate for the
Petitioner herein and the Respondent herein not appearing in person or by
advocate and upon reading the Petition, and the Supporting affidavit of
Shayan Italia filed herein, and, **it is ordered as follows:-**

That Mr.M. Nandan, District Judge (Retd), No.171, MIG, 4th
Main Road, TNHB, Nolambur, Phase 2, Mogappair, West Garden, Chennai

- 37. (Mobile No.9444112414) be and is hereby appointed as the Sole

Arbitrator to enter upon reference and adjudicate the matter.



2) That the learned 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.

3) 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.

4) 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
06TH DAY OF OCTOBER 2021.

Sd/-
ASSISTANT REGISTRAR (OS-II)

//Certified to be true copy//
Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)
From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.



4

ED

25.10.2021

O.P.No.276 of 2020

ORDER

DATED: 06.10.2021

THE HON'BLE MR. JUSTICE
N.SATHISH KUMAR

FOR APPROVAL: 26.10.2021

APPROVED ON : 27.10.2021

Copy to:

The Mr.M.Nandan,
District Judge (Retd),
Sole Arbitrator,
No.171, MIG, 4th Main Road,
TNHB, Nolambur, Phase 2,
Mogappair, West Garden,
Chennai – 37.
(Mobile No.9444112414)



WEB COPY

5

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 6/10/2021

C O R A M

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

O.P.No. 276 of 2020

1. Shayan Italia

2. Dynshaw Fareed Italia

...

Petitioners

Vs

Benze Vacation Club

rep. By its Mrs.Bhuvaneswari Saravanan

New No.23 Old No.11

Jambulingam Street

Nungambakkam

Chennai 600 004.

...

Respondent

PRAYER : Petition filed under Section 11 (6) of the Arbitration and Conciliation Act, 1996 to appoint a sole independent and impartial arbitrator to adjudicate and decide the disputes between the parties.

For Petitioners

...

Ms.Thanushree Arvind

For Respondent

...

No appearance

ORDER

This Arbitration Original Petition has been filed to appoint a sole independent and impartial arbitrator to adjudicate and decide the disputes between the parties.



2. Heard Ms.Thanushree Arvind, learned counsel for the petitioners.

WEB COPY

3. Though Mr.M.V.Sathish, learned counsel for the respondent agreed to furnish security, on 16/9/2021, none appeared for the respondent today.

4. Vide, order, dated 13/3/2020, this Court had appointed Mr.P.Ganesan, Retired District Judge, as the sole Arbitrator to enter upon reference and adjudicate the disputes inter se the parties.

5. Today, when the matter is taken up for hearing through Video Conferencing, learned counsel appearing for the petitioners submitted that arbitrator appointed by this Court had expressed his inability to continue.

6. In such a view of the matter, this Court is inclined to appoint Mr.N.Nandan, Retd District Judge, as a sole Arbitrator to enter upon reference and adjudicate the matter.

7. Accordingly, this Arbitration Original Petition is ordered as follows:

i) Mr.M.Nandan, Retd District Judge, No.171,
MIG, 4th Main Road, TNHB, Nolambur, Phase 2,
Mogappiar, West Garden, Chennai 37 (Mobile
No.9444112414) is appointed as a Sole Arbitrator to
enter upon reference and adjudicate the matter.



WEB COPY

ii] The learned 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 equally.

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

Sd./-N.S.K.J.,
06.10.2021

//Certified to be true copy//
Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)
From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.