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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.320 of 2021

and

O.A.No. 239 of 2021

and

Arb.A.No.11 of 2021

In the matter of Arbitration and
Conciliation Act, 1996

and

In the matter of Master concession
Agreement Dated 09.11.2018 between
the parties

M/s. Evolve Business Ventures
A Proprietary concern
Represented by its Proprietor
Mrs.Mamta Lunked
No.18/1, S.Kariappa Road
Model House Cross Road
Basavangudi, Bangalore 560 004.

:Petitioner /Applicant
(in O.A.No. 239 of 2021)

Vs

The Airport Director
The Airport Authority of India
Chennai Airport
Chennai 600 016.

:Respondent/Respondent
(in O.A.No. 239 of 2021)

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

a) appoint an independent and sole Arbitrator to adjudicate upon the

disputes and claims that have arisen between the parties hereto under the



subsisting Master Concession Agreement dated 9/11/2018 between the parties.

b) To direct the respondent to pay the cost of the petition.

O.A.No. 239 of 2021:-

Original Application praying that this Hon'ble Court be pleased to grant ad-interim injunction restraining the respondent, their men, agents or any other person or persons from proceed with the impugned notice dated 13.03.2021 in Letter No. AAMC.0156/2019/Vol.IV/277 pending adjudication of the disputes between the respondent and the petitioner.

Arb.A.No. 11 of 2021:-

In the matter of Section 9 of Arbitration and Conciliation Act, 1996 (Act No.26 of 1996)

and

In the matter of Master concession Agreement Dated 09.11.2018 between the parties

The Airport Director
The Airport Authority of India
Chennai Airport
Chennai 600 016.

:Applicant

-vs-

M/s. Evolve Business Ventures
Represented by its Proprietor
Mrs.Mamta Lunked
No.18/1, S.Kariappa Road
Model House Cross Road
Basavangudi, Bangalore 560 004.

: Respondent



Arbitration Application praying that this Hon'ble Court be pleased to direct the respondent to replenish the bank guarantee to the balance outstanding of Rs.50,80,97,397.11.

This Original Petition along with applications coming on this day before this court for hearing in the presence of Mr.Agilesh Kumar, for Mr.N.R.Elango, Senior Counsels for M/s. S.Rajkumar, Advocates for the Petitioner in O.P.No.320 of 2021 and for the Applicant in O.A.No. 239 of 2021 and for the respondent in Arb.A.No. 11 of 2021 and Mr.S.Venkatesan, Standing counsel for the respondent in O.P.No.320 of 2021 and O.A.No. 239 of 2021 and for the Applicant in Arb.A.No.11 of 2021, and upon reading the petition and the counter affidavit of T.S.Subha Lakshmi filed in O.P.No.320 of 2021 and the judges summons and the affidavit of Mrs.Mamta Lunked and the counter affidavit of T.S.Subha Lakshmi filed in O.A.No. 239 of 2021 and the judges summons and the affidavit of T.S.Subha Lakshmi filed in Arb.A.No.11 of 2021 and the order dated 17.04.2021 made in OP.No.320 of 2021 and O.A.No.239 of 2021, it is ordered as follows:-

That The Hon'ble Mr.Justice K.Kannan, Former Judge of Punjab & Haryana, 3/11, Lakshmi Colony, North Crescent Road, T.Nagar, Chennai 600 017 (Mobile Nos.9780008145), be and is hereby appointed as a Sole



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.

v) That both parties hereto, shall be at liberty to canvass their respective interim orders before the learned Arbitrator, under Section 17 of the Act.

vi) That the Consequently, connected O.A.No. 239 of 2021 and Arb.A.No. 11 of 2021 be and are hereby closed.

WITNESS THE HON'BLE MR. JUSTICE SANJIB BANERJEE,
CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE
06th 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.320 of 2021
and
O.A.No. 239 of 2021
and
Arb.A.No.11 of 2021

ORDER:-
DATED: 05.07.2021

THE HON'BLE MR. JUSTICE
N.SATHISH KUMAR

FOR APPROVAL: 20.07.2021

APPROVED ON : 20.07.2021

Copy to:

The Hon'ble Mr.Justice K.Kannan,
Former Judge of Punjab & Haryana,
Sole Arbitrator
3/11, Lakshmi Colony,
North Crescent Road, T.Nagar,
Chennai 600 017.

(Mobile Nos.9780008145)

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.320 of 2021

O.A.No.239 of 2021

a n d

Arb.Application No.11 of 2021

M/s. Evolve Business Ventures
A Proprietary concern
rep. By its Proprietor
Mrs.Mamta Lunked
No.18/1, S.Kariappa Road
Model House Cross Road
Basavangudi
Bangalore 560 004.

...

Petitioner

Vs

The Airport Director
The Airport Authority of India
Chennai Airport
Chennai 600 016.

...

Respondent

Original Petition has been filed under Section 11 (6) of the

Arbitration and Conciliation Act, 1996, to appoint a sole Arbitrator to

adjudicate upon the disputes and claims that have arisen between the parties



hereto under the subsisting Master Concession Agreement dated 9/11/2018 between the parties.

For petitioner	...	Mr.Agilesh Kumar for Mr.N.R.Elango Senior Counsel
For respondent	...	Mr.S.Venkatesan Standing Counsel

ORDER

This Original Application has been filed to appoint an independent and sole Arbitrator to adjudicate upon the disputes and claims that have arisen between the parties hereto under the Master Concession Agreement, dated 9/11/2018 between the parties.

2. The learned counsel appearing for the petitioner submitted that as per the Letter of Intend to award, dated 12/7/2018 and Master Concession Agreement, dated 9/11/2018, respondent has to handover 1000 sq.mt area. But, the respondent is avoiding to hand over.

3. Heard Mr.Agilesh Kumar, learned counsel for the petitioner and Mr.S.Venkatesan, learned Standing Counsel for the respondent.



4. The petitioner and respondent had agreed to have seat of arbitration at Chennai, as per Clause 22 of the Master Concession Agreement, dated 9/1/2018, entered between the parties. Since the dispute arose between the parties, petitioner has come forward with the present Original Petition, praying for the relief, as stated supra.

5. Since the petitioner and respondent had agreed to have seat of arbitration at Chennai, this Court is inclined to appoint Mr. Justice K. Kannan, Former Judge of Punjab and Haryana as an Arbitrator to arbitrate the disputes between the parties.

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

i) Mr. Justice K. Kannan, Former Judge of Punjab & Haryana, 3/11, Lakshmi Colony, North Crescent Road, T. Nagar, Chennai 600 017 (Mobile Nos. 9780008145) 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



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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.

7. This Original Petition is ordered accordingly, leaving the parties to bear their own costs. Parties are at liberty to canvass their respective interim orders before the learned Arbitrator, under Section 17 of the Act. Consequently, connected applications are closed.

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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