



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 3RD DAY OF JUNE 2021

THE HON'BLE MR. JUSTICE R.SUBRAMAMIAN

O.A.Nos.303 to 306, 276 & 277 of 2021
and
A.Nos.1968, 1970, 1985 to 1992 of 2021

O.A.Nos.303 and 304 of 2021

And

A.No.1968 of 2021

and

A.Nos.1989, 1991 and 1992 of 2021

In the matter of Arbitration and
Conciliation Act, 1996

And

In the matter of Services Agreement
between M/s.Anand Estates,
represented by its Proprietrix,
Mrs.B.Lalitha and Zolostays
Property Solutions Private Limited
dated March 23, 2019.

Zolostays Property Solutions Private
Limited having its registered office
at No.1190, 22nd Cross Road, Sector 3, HSR
Layout, Bengaluru 560102.
Represented by its Authorised Signatory
Mr.Ansar Ali

... Applicant/Applicant

-Versus-

M/s.Ananad Estates
Having its office at
New No.35B, Old No.16C, 2nd Floor,
Damodaran Street, T.Nagar,
Chennai 600 017
Represented by its Proprietrix

Mrs.Lalitha

: Respondent/Respondent

**O.A.No.303 of 2021**

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Original Application praying that this Hon'ble Court be pleased to grant an interim measure of protection by restraining the Respondent from not in any manner whatsoever interfering with the Applicant's discharge of their obligations and exercise of rights under the Services Agreement dated March 23, 2019 entered into between the Applicant and Respondent.

O.A.No.304 of 2021

Original Application praying that this Hon'ble Court be pleased to grant an mandatory injunction directing the Respondent to implement the terms of the Services Agreement dated March 23, 2019 entered into between the Applicant and Respondent.

A.No.1968 of 2021

Application praying that this Hon'ble Court be pleased to grant an interim measure of protection by directing the Respondent to permit the Applicant to enter all that piece and parcel of 119 flats in Block B in the building situated at Lalitham Apartments, situated at No.2, Telephone Nagar Main Road, Perungudi, Chennai 600 096 and discharge its contractual obligations of providing necessary services to the licensees residing at the 119 flats, pursuant to the Services Agreement dated March 23, 2019 entered into between the Applicant and the Respondent.



Application praying that this Hon'ble Court be pleased to pass an order of Interim Protection, providing police protection by the Inspector of Police, Thoraipakkam (J9) Police Station, Thoraipakkam, Chennai to the Applicant herein to enter the buildings situated at Lalitham Apartments, No.2, Telephone Nagar Main Road, Perungud, Chennai-96 in furtherance to the order dated May 12, 2021.

A.No.1991 of 2021

Application praying that this Hon'ble Court be pleased to pass an order of Interim Protection, providing police protection by the Inspector of Police, Thoraipakkam Police Station, Thoraipakkam, Chennai to the Applicant herein to enter the buildings situated at Lalitham Apartments, No.2, Telephone Nagar Main Road, Perungudi, Chennai 600 096 in furtherance to the order dated May 12, 2021 passed by this Honble Court in O.A.No.303 of 2021 and O.A.No.304 of 2021.

A.No.1992 of 2021

Application praying that this Hon'ble Court be pleased to pass an order directing the Respondent, M/s.Anand Estates represented by its proprietrix Mrs.B.Lalitha, be detained in the civil prison for a term not exceeding 3 (three) months, for their wilful, disobedience and breach of injunction of the order dated May 12, 2021 passed by this Honble Court in



O.A.Nos.305 and 306 of 2021

and

A.No.1970 of 2021

and

A.No.1990 of 2021

In the matter of Arbitration and
Conciliation Act, 1996

And

In the matter of Services Agreement
between M/s.Anand Estates,
represented by its Proprietrix,
Mrs.B.Lalitha and Zolostays
Property Solutions Private Limited
dated September 5, 2019.

Zolostays Property Solutions Private
Limited having its registered office
at No.1190, 22nd Cross Road, Sector 3, HSR
Layout, Bengaluru 560102.
Represented by its Authorised Signatory
Mr.Ansar Ali

... Applicant/Applicant

-Versus-

M/s.Anand Estates
Having its office at
New No.35B, Old No.16C, 2nd Floor,
Damodaran Street, T.Nagar,
Chennai 600 017
Represented by its Proprietrix
Mrs.Lalitha

: Respondent/Respondent

O.A.No.305 of 2021

Original Application praying that this Hon'ble Court be pleased to
grant an interim measure of protection by restraining the Respondent from
not in any manner whatsoever interfering with the Applicant's discharge of



their obligations and exercise of rights under the Services Agreement dated September 5, 2019 entered into between the Applicant and Respondent.

O.A.No.306 of 2021

Original Application praying that this Hon'ble Court be pleased to grant mandatory injunction directing the Respondent to implement the terms of the Services Agreement dated September 5, 2019 entered into between the Applicant and Respondent.

A.No.1970 of 2021

Application praying that this Hon'ble Court be pleased to grant an interim measure of protection by directing the Respondent to permit the Applicant to enter all that piece and parcel of 105 flats in Block C in the building situated at Lalitham Apartments, situated at No.2, Telephone Nagar Main Road, Perungudi, Chennai 600 096 and discharge its contractual obligations of providing necessary services to the licensees residing at the 119 flats, pursuant to the Services Agreement dated September 5, 2019 entered into between the Applicant and the Respondent.

A.No.1990 of 2021

Application praying that this Hon'ble Court be pleased to pass an order directing the Respondent, M/s. Anand Estates represented by its proprietrix Mrs. B.Lalitha, be detained in the civil prison for a term not exceeding 3(three) months for their willful disobedience and breach of



injunction of the order dated May 12, 2021 passed by this Honble Court in

O.A.No.305 of 2021 and O.A.No.306 of 2021.

O.A.No.276 of 2021

and

A.Nos.1985, 1987 of 2021

In the matter of Arbitration and
Conciliation Act, 1996

And

In the matter of dispute between
Anand Estates and

M/s.Zolostays Property Solutions
Private Ltd.,

Arising out of Services Agreement
dated 23.3.2019

M/s.Anand Estates

Proprietary concern,

Represented by its proprietrix

Mrs.B.Lalitha, W/o.Late Mr.A.Balasubbramaniann,

Having its office at New No.6, Old No.25,

Bhagyashree, 1st Floor,

Gopalakrishna Street, T.Nagar,

Chennai 600 017.

...Applicant/Respondent

vs

M/s.Zolostays Property Solutions Private Ltd,

Represented by its Authorised Representative,

having its registered address at No.1190,

22nd Cross HSR Layout – Sector 3,

Bangalore 560 102.

: Respondent/Respondent

O.A.No.276 of 2021

Original Application praying that this Hon'ble Court be pleased to



under him from in any way using, advertising the residential dwelling space for use and occupation as licensor and interfering with the possession and enjoyment of the property by the Applicant after the license granted to the Respondent is revoked by the Applicant towards the property, which is more fully described in the schedule of the Petition pending disposal of the appointment of arbitrator and disposal of the lis between the parties.

A.No.1985 of 2021

Application praying that this Hon'ble Court be pleased to vacate the Interim Injunction granted in O.A.No.304 of 2021, dated 12.05.2021.

A.No.1987 of 2021

Application praying that this Hon'ble Court be pleased to vacate the Interim Protection granted in O.A.No.303 of 2021, dated 12.05.2021.

O.A.No.277 of 2021

and

A.Nos.1986 and 1988 of 2021

In the matter of Arbitration and
Conciliation Act, 1996

And

In the matter of dispute between
Anand Estates and

M/s.Zolostays Property Solutions
Private Ltd.,

Arising out of Services Agreement
dated 05.09.2019



M/s. Ananad Estates
Proprietary concern,
Represented by its proprietrix
Mrs. B. Lalitha, W/o. Late Mr. A. Balasubbramaniann,
Having its office at
Bhagyashree, 1st Floor,
Gopalakrishna Street, T. Nagar,
Chennai 600 017.

...Applicant

vs

M/s. Zolostays Property Solutions Private Ltd,
Represented by its Authorised Representative,
having its registered address at No. 1190,
22nd Cross HSR Layout – Sector 3,
Bangalore 560 102.

: Respondent/Respondent

O.A.No.277 of 2021

Original Application praying that this Hon'ble Court be pleased to restrain the Respondent or his men or agents or person claiming through or under him from in any way using, advertising the residential space for use and occupation as licensor and interfering with the possession and enjoyment of the property by the Applicant after the license granted to the Respondent is revoked by the Applicant towards the property, which is more fully described in the schedule of the Petition pending disposal of the appointment of arbitrator and disposal of the lis between the parties.

A.No.1986 of 2021



Application praying that this Hon'ble Court be pleased to vacate the Interim Protection granted in O.A.No.305 of 2021, dated 12.05.2021.

A.No.1988 of 2021

Application praying that this Hon'ble Court be pleased to vacate the Interim Injunction granted in O.A.No.306 of 2021, dated 12.05.2021.

These Applications coming on this day before this court for hearing in the presence of Mr.AR.L.Sundaresan, Senior Counsel, for Mr.Vivrti Law, Advocates for the applicant in O.A.Nos.303 to 306 of 2021 and A.Nos.1989 to 1992, 1968, 1970 of 2021 and for the respondent in O.A.Nos.276 & 277 of 2021 and A.Nos.1985 to 1988 of 2021 and Mr.G.Rajagopalan, Senior Counsel for M/s.S.Sundaresan, Advocates for the respondent in O.A.No.303 to 306 of 2021 and A.Nos.1989 to 1992, 1968, 1970 of 2021 and for the applicant in O.A.Nos.276 & 277 of 2021 and A.Nos.1985 to 1988 of 2021 and upon reading the Judges Summons and the affidavit of B.Lalitha filed in O.A.Nos.276 & 277 of 2021 and the A.Nos.1985 to 1988 of 2021 and the learned Senior Counsel appearing on either side would submit that they are ready to go for arbitration and accepted the suggestion of the Court to have Hon'ble Mr.Justice G.Rajasuria, a retired Judge of this Court as the Arbitrator,



That the Hon'ble Mr.Justice G.Rajasuria, Judge (Retd), High Court, Madras, residing at No.31, III Cross, Brindhavanam, Puducherry, be and is hereby appointed as Arbitrator.

2. That all rights of the parties are preserved to be agitated before the learned Arbitrator.

3. That the interim injunction granted in pursuance of order dated 12.05.2021 made in O.A.Nos.304 & 306 of 2021 directing the respondent therein, to implement the terms of the Service Agreement dated 23.03.2019 and 05.09.2019 entered into between the applicant and the respondent respectively, be and is hereby vacated.

4. That the interim measure & protection granted in pursuance of order dated 12.05.2021 made in O.A.Nos.303 and 305 of 2021 restraining the respondent therein, from not in any manner whatsoever interfering with the Applicant's discharge of their obligations and exercise of rights under the Services Agreement dated 23.03.2019 and 05.09.2019 entered into between the Applicant and Respondent respectively, be and is hereby vacated.



5. That these O.A.Nos.303 to 306, 276 & 277 of 2021 and A.Nos.1985 to 1992, 1968 and 1970 of 2021 do stand closed.

WITNESS THE HON'BLE MR. JUSTICE SANJIB BANERJEE,
CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE
03rd DAY OF JUNE 2021.

Sd./-
ASSISTANT REGISTRAR (Comm.Case)

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

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O.A.Nos.303 to 306, 276 & 277 of 2021
and
A.Nos.1968, 1970, 1985 to 1992 of 2021

ORDER :-

DATED:03.06.2021

THE HON'BLE MR.JUSTICE
R.SUBRAMANIAN

FOR APPROVAL: 9/8/2021

APPROVED ON: 10/8/2021

Copy to:

The Hon'ble Mr.Justice G.Rajasuria,
Judge (Retd),
Arbitrator,
residing at No.31, III Cross,
Brindhavanam, Puducherry.

With Covering Letter



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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.06.2021

CORAM :

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

O.A.Nos.303, 304, 305, 306, 276 & 277 of 2021

and

A.Nos.1987, 1988, 1989, 1968, 1970, 1992, 1985, 1986, 1990 & 1991 of 2021

In Original Applications

Zolostays Property Solutions Private Limited
having its registered office at No.1190,
22nd Cross Road, Sector 3, HSR Layout,
Bengaluru – 560 102.
Rep. By its Authorised Signatory
Mr.Ansar Ali.

... Applicant in OA Nos.303, 304,
305 & 306 of 2021

M/s. Anand Estates,
Having its Office at
New No.35B, Old No.16C, 2nd Floor,
Damodaran Street, T.Nagar,
Chennai 600 017,
Rep by its Proprietrix Mrs.Lalitha

... Respondent in OA No.303, 304,
305 & 306 of 2021

In Applications

M/s Anand Estates
Proprietary concern,



Represented by its Proprietrix,
Mrs.B.Lalitha, W/o. Late Mr.A.Balasubbramaniann,
Having office at New No.6, Old No.25,
Bhagyashree, 1st Floor,
Gopalakrishna Street,
T.Nagar, Chennai – 600 017.

... Applicant in OA
Nos.276 & 277 of 2021
Applicant in A.Nos.1987,
1988, 1985, 1986/21

Respondent in A.Nos.1989, 1968,
1970, 1992, 1990 & 1991/2021

Vs.

M/s.Zolostays Property Solutions Pvt. Ltd.,
Represented by its Authorized Representative,
Having its registered address at No.1190,
22nd Cross HSR Layout – Sector 3,
Bangalore – 560 102.

... Respondent in OA
Nos.276 & 277 of 2021
Respondent in A.Nos.1987,
1988, 1985, 1986/21

Applicant in A.Nos.1989, 1968, 1970, 1992,
1990 & 1991/21

Prayer in Original Applications: The Original Applications filed under
Section 9 (ii)(e) of the Arbitration and Conciliation Act, 1996 read with
Rule 4 (i) of the Madras High Court (Arbitration) Rules, 2020,

in O.A.No.303 of 2021: to grant an interim measure of protection by
restraining the respondent from not in any manner whatsoever interfering
with the Applicant's discharge of their obligations and exercise of rights
under the Services Agreement dated March 23, 2019 entered into between
the Applicant and the Respondent.

in O.A.No.304 of 2021: to pass an order of mandatory injunction directing
the respondent to implement the terms of the Services Agreement dated
March 23, 2019 entered into between the Applicant and the Respondent.



in O.A.No.305 of 2021: to grant an interim measure of protection by restraining the respondent from not in any manner whatsoever interfering with the Applicant's discharge of their obligations and exercise of rights under the Services Agreement dated September 5, 2019 entered into between the Applicant and the Respondent.

in O.A.No.306 of 2021: to pass an order of mandatory injunction directing the respondent to implement the terms of the Services Agreement dated September 5, 2019 entered into between the Applicant and the Respondent.

Prayer in O. A. Nos.276 & 277 of 2021: The Original Applications filed under Order XIV Rule 8 of O.S.Rules read with Section 151 of the Code of Civil Procedure, to restrain the respondent or his men or agents or persons claiming through or under him from in any way using, advertising the residential dwelling space for use and occupation as licensor and interfering with the possession and enjoyment of the property by the applicant after the license granted to the respondent is revoked by the Applicant towards the property, which is more fully described in the schedule of the petition pending disposal of the appointment of Arbitrator.

Prayer in Appl. No.1987, 1988, 1985 & 1986 of 2021: Applications filed under order XIV Rule 8 of O.S. Rules read with Section 9(ii)(d) of the Arbitration and Conciliation Act, 1996 and order 39 Rule 4 and Section 151 of C.P.C. to vacate the Interim Injunction/Interim Protection granted in O.A.Nos.303, 306, 304 & 305 of 2021 by order dated 12.05.2021.



Rules read with Section 9(ii)(e) of the Arbitration and Conciliation Act, 1996 read with Rule 4(i) of the Madras High Court (Arbitration) Rules, 2020,

in Appl. No.1989 of 2021: to pass an order of interim protection, providing police protection by the Inspector of Police, Thoraipakkam (J9) Police Station, Thoraipakkam, Chennai, to the Applicant herein to enter the buildings situated at Lalitham Apartments, No.2, Telephone Nagar Main Road, Perungudi, Chennai 600 096 in furtherance to the order dated May 12, 2021 passed by this Court in OA No.305 of 2021, OA No.306 of 2021.

in Appl. No.1968 of 2021: to grant an interim measure of protection by directing the respondent to permit the applicant to enter all that piece and parcel of 119 flats in Block B in the building situated at Lalitham Apartments, situated at No.2, Telephone Nagar Main Road, Perungudi, Chennai 600 096 and discharge its contractual obligations of providing necessary services to the licensees residing at the 119 flats, pursuant to the services agreement dated March 23, 2019 entered into between the applicant and the respondent.

in Appl. No.1970 of 2021: to grant an interim measure of protection by directing the respondent to permit the applicant to enter all that piece and parcel of 105 flats in Block C in the building situated at Lalitham Apartments, situated at No.2, Telephone Nagar Main Road, Perungudi, Chennai 600 096 and discharge its contractual obligations of providing necessary services to the licensees residing at the 119 flats, pursuant to the services agreement dated September 5, 2019 entered into between the applicant and the respondent.

in Appl. No.1991 of 2021: to pass an order of interim protection, providing police protection by the Inspector of Police, Thoraipakkam (J9) Police



Station, Thoraipakkam, Chennai, to the Applicant herein to enter the buildings situated at Lalitham Apartments, No.2, Telephone Nagar Main Road, Perungudi, Chennai 600 096 in furtherance to the order dated May 12, 2021 passed by this Court in OA No.303 of 2021, OA No.304 of 2021.

Prayer in Applications: Applications filed under order XIV Rule 8 of O.S. Rules and Order XXXIX Rule 2A read with Section 151 of the Code of Civil Procedure, 1908

in Appl. No.1992 & 1990 of 2021: to pass an order directing the respondent, M/s.Anand Estates represented by its proprietrix Mrs.B.Lalitha, be detained in the civil prison for a term not exceeding 3 (three) months for their willful disobedience and breach of injunction of the order dated May 12, 2021 passed by this Court in OA No.303 of 2021, OA No.304 of 2021 and O.A.No.305 of 2021, OA No.306 of 2021 respectively.

For Applicant : Mr.A.R.L.Sundaresan, Senior Counsel
for M/s.Vivrti Law

[Applicant in OA Nos.303, 304, 305 & 306 of 2021,
Respondent in OA Nos.276 & 277 of 2021,
Respondent in A.Nos.1987, 1988, 1985, 1986/21 &
Applicant in A.Nos.1989, 1968, 1970, 1992, 1990 & 1991/21]

For Respondent : Mr.G.Rajagopalan, Senior Counsel
for M/s.S.Sundaresan

[Respondent in OA No.303, 304, 305 & 306 of 2021
Applicant in OA Nos.276 & 277 of 2021
Applicant in A.Nos.1987, 1988, 1985, 1986/21
Respondent in A.Nos.1989, 1968, 1970, 1992, 1990 &
1991/2021]

COMMON ORDER



(Heard through Video Conferencing)

The Original applications have been filed under Section 9 of the

Arbitration and Conciliation Act 1996, seeking interim measures and an interim injunction has been granted by this Court.

2. The respondent has filed the applications seeking vacation of the interim orders.

3. Heard Mr.AR.L.Sunderasan, learned Senior Counsel appearing for M/s.Vivrti Law, for the applicants in the Original Applications and Mr.G.Rajagopalan, learned Senior Counsel appearing for M/s.S.Sundaresan, for the respondent in the Original Applications and the applicant in the vacate applications.

4. After some arguments, the learned Senior Counsel appearing on either side would submit that they are ready to go for arbitration and accepted the suggestion of the Court to have Hon'ble Mr.Justice G.Rajasuria, a retired Judge of this Court as the Arbitrator. It is also agreed between the parties that the interim orders granted need not be extended and the same could be vacated and all the applications closed . Leaving it open to the parties to agitate all questions before the Arbitrator so appointed.

5. In view of the concurrence reached, I appoint Hon'ble

Mr.Justice G.Rajasuria, a retired Judge of this Court to be the Arbitrator.



All rights of the parties are preserved to be agitated before the learned Arbitrator. Interim orders granted are vacated and the applications are closed.

Sd./-R.S.M.J
03.06.2021

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Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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