

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.01.2021

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

O.P.No.616 of 2020

M/s.Achariya Educational Public Trust
Represented by its Managing Trustee
Mr.J.Aravindan
having its registered office at no.5,
Vasanthanagar, Villianur,
Pondicherry – 605 110

... Petitioner

Vs.

Shri Sai Trust
Represented by its Managing Trustee
Mr.Elango Ranganathan
No.3, 4, 5 Perks Arch 40 Feet Road
Perks Campus, Uppilipalayam Post
Coimbatore – 641 015

... Respondent

Prayer: Petition filed under Section 11 (6) of the Arbitration and Conciliation Act, 1996, to appoint a sole arbitrator to conduct the dispute referred by the petitioner herein in respect of the Memorandum of Understanding dated 28.12.2017 entered between the petitioner and the respondent.

For Petitioner : M/s.Ganesh and Ganesh

For Respondent : Mr.P.Mahesh Kumar

ORDER

Both the parties have consented for the arbitrator to be appointed to resolve the dispute between the two and have no objection for the arbitrator suggested by this Court.

2. In the light of the above circumstances this Court is passing the following order:

i) Mr.S.A.Sreeramulu, District Judge (Retd.), 2A, 5th Cross Street, Lal Bahadur Colony, (Bharathi Colony), Peelamedu, Coimbatore – 641 004, Mobile: 9842263173, is appointed as an Arbitrator.

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

(iii) The arbitral proceedings shall be done as per clause 15 of the Memorandum of understanding, which reads as follows:

“The Parties will endeavor to settle amicably by mutual discussions any disputes, differences, or claims whatsoever related to this MOU. Failing such amicable settlement, any controversy, claim, or dispute arising under or relating to this MOU, including the existence, validity, interpretation, performance, termination or breach thereof, shall finally be settled by arbitration. The Arbitration and Conciliation Act, 1996, shall govern the arbitration proceedings. The arbitration will be held in COIMBATORE, India. The language of the arbitration shall be English. The Hon’ble Courts in COIMBATORE alone shall have jurisdiction for the subject matter of this MOU.”

iii) The arbitrator is at liberty to fix the remuneration and other incidental expenses as per law.

3. The Original Petition is ordered leaving the parties to bear their own costs. No costs.

21.01.2021

Internet : Yes/No
Index : Yes/No
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