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IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

WEDNESDAY, THE 20TH DAY OF APRIL 2022

THE HON'BLE MR. JUSTICE M.SUNDAR

ARB .O.P(COM.DIV.) No.150 of 2022

In the matter of Arbitration and
Conciliation Act, 1996
and
In the matter of Memorandum
of Understanding dated 16.05.2013

M/S. INTER-MISSION INDIA,
A COMPANY REGISTERED UNDER THE COMPANIES ACT,
Represented by its president,
Mr.K.B.Edison,

Having registered office
at No.4/108, B-Shanthi Nagar,
Kallingar Street, Alamathi,
Chennai-600 052

..Petitioner

-Vs-

1. M/s. INTER-MISSION INDUSTRIAL DEVELOPMENT
ASSOCIATION

Represented by Mr.Jochen Tewes,
and Mr.T.Jothi Pandian,
No.2, 6th Cross Street,
Collectorate Colony,
Aminjikarai,
Chennai - 600 029

2. M/S. CEEBROS PROPERTY DEVELOPMENT,

Represented by its Director Mr.C.Subba Reddy,
having office at Sukriti,
No.19/1, Third Cross Street,



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Arbitration Original Petition (Commercial Division) praying to appoint an Arbitrator in terms set out in Section 11(6)(a) of the Arbitration and Conciliation Act, 1996 to decide the dispute between the Petitioner and the Respondents arising out of the agreement dated 16.05.2013 and 11.10.2018.

This Arbitration Original Petition (Commercial Division) coming on this day before this court for hearing the court made the following order:

Read this in conjunction with and in continuation of earlier proceedings made in the previous listing on 13.04.2022.

2. Mr. Prashant Rajagopal, learned counsel for IMI and Mr.P.B.Balaji, learned counsel for CEEBROS (second respondent) are before this Court and as already captured in the proceedings made in the previous listing, learned counsel for second respondent is not opposing the prayer for appointment of Arbitrator though there are contestations/disputations *qua lis*.

3. However, Mr.Joshua, learned counsel of M/s. Paul and Paul



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serious objections for the very invocation of Section 11 of 'The Arbitration and Conciliation Act, 1996 (Act No.26 of 1996)' [hereinafter 'A and C Act' for the sake of convenience and clarity]. Learned counsel submits that he intends to file a counter affidavit. Attention of learned counsel was drawn to sub-sections (13) and (6A) of Section 11 of A and C Act. However, learned counsel submitted that he has serious objections/opposition qua the prayer for appointment of Arbitrator and requested time for filing counter affidavit. Request acceded to.

4. List on 08.06.2022.

Sd/.M.S.J.
20/04/2022

//Certified to be a true copy//

Dated at Madras this the day of 2022.

SU./22.04.2022

COURT OFFICER(O.S.)

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