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IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 03rd DAY OF FEBRUARY 2022

THE HON'BLE MR. JUSTICE SENTHILKUMAR RAMAMOORTHY

O.A.Nos.20 to 22 of 2022

O.A.No.20 of 2022

In the matter of Concession Agreement
between M/s.Fine Arts Communications India
Private Limited and Corporation of Chennai;
and Agreement dated 31.12.2015.

In the matter of Arbitration and Conciliation
Act 1996.

Between:-

Fine Arts Communications India Private Limited
represented by its Authorised Signatory,
No.20, U.V.Saminatha Street,
Alandur, Chennai 600 016.

...Applicant

-Versus-

1. The Commissioner,
Corporation of Chennai,
Ripon Buildings,
Periyar E.V.R. Salai,
Chennai 600 003.

2. The Revenue Officer,
Corporation of Chennai,
Ripon Buildings,
Periyar E.V.R.Salai,
Chennai 600 003.

3. The Superintending Engineer,
Bus Road Routes Department,
Corporation of Chennai,



Ripon Buildings,
Chennai- 600 003.

... Respondents

Original Application praying that this Hon'ble Court be pleased to grant an order of injunction restraining the Respondents herein and their men, agents and subordinates from in any manner disturbing the peaceful continuance of the advertisement business of the Applicant subject matter of Concession Agreements dated 31.12.2015 for construction and maintenance of bus shelters in respect of Packages 4,5 and 6.

O.A.No.21 of 2022

In the matter of Concession Agreement between M/s. Shine Outdoor Advertising Private Limited and Corporation of Chennai; and Agreement dated 31.12.2015.

In the matter of Arbitration and Conciliation Act 1996.

Between:-

Shine Outdoor Advertising Private Limited,
represented by its Authorized Signatory,
No.4/8, First Main Road, Manjulai Street,
Ekkattuthangal, Chennai 600 016.

...Applicant

-Versus-

1. The Commissioner,
Corporation of Chennai,
Ripon Buildings,
Periyar E.V.R. Salai,
Chennai 600 003.



2. The Revenue Officer,
Corporation of Chennai,
Ripon Buildings,
Periyar E.V.R.Salai,
Chennai 600 003.

3. The Superintending Engineer,
Bus Road Routes Department,
Corporation of Chennai,
Ripon Buildings,

Chennai- 600 003.

... Respondents

Original Application praying that this Hon'ble Court be pleased to grant an order of injunction restraining the Respondents herein and their men, agents and subordinates from in any manner disturbing the peaceful continuance of the advertisement business of the Applicant subject matter of Concession Agreements dated 31.12.2015 for construction and maintenance of bus shelters in respect of Packages 7 and 8.

O.A.No.22 of 2022

In the matter of Concession Agreement between M/s. Skyrams Outdoor Advertising India Pvt. Limited and Corporation of Chennai; and Agreement dated 31.12.2015.
In the matter of Arbitration and Conciliation Act 1996.

Between:-

Skyrams Outdoor Advertising India Pvt. Limited,
represented by its Authorised Signatory,
Nos.15 & 17, Lalith Towers,
G.S.T. Road, Alandur,
Chennai 600 016.

...Applicant



-Versus-

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1. The Commissioner,
Corporation of Chennai,
Ripon Buildings,
Periyar E.V.R. Salai,
Chennai 600 003.
2. The Revenue Officer,
Corporation of Chennai,
Ripon Buildings,
Periyar E.V.R. Salai,
Chennai 600 003.
3. The Superintending Engineer,
Bus Road Routes Department,
Corporation of Chennai,
Ripon Buildings,
Chennai- 600 003.

... Respondents

Original Application praying that this Hon'ble Court be pleased to grant an order of injunction restraining the Respondents herein and their men, agents and subordinates from in any manner disturbing the peaceful continuance of the advertisement business of the Applicant subject matter of Concession Agreements dated 31.12.2015 for construction and maintenance of bus shelters in respect of Packages 1, 2 and 3.

These Original Applications coming on this day before this court for hearing in the presence of Mr.K.Duraisami, Senior Advocate for



applications and Ms.Karthika Ashok, Senior standing counsel for the Corporation of Chennai, appearing for the respondents in all the original applications and upon reading the order herein dated 24.01.2022, and it is ordered as follows:-

That the Hon'ble Mr.Justice M.Sathyanarayanan, Retired Judge of High Court, Madras, Old No.9, New No.5/1, 2nd Avenue, 2nd Extension Indira Nagar, Adyar, Chennai – 600 020 (Mobile No.94980 22255) be and is hereby appointed as the Sole Arbitrator to adjudicate the following disputes:

(a) Fine Arts Communications Private Limited v. Corporation of Chennai;

(b) Shine Outdoor Advertising Private Limited v. Corporation of Chennai; and

(c)Skyrans Outdoor Advertising India Pvt. Ltd. v. Corporation of Chennai;

2. That the Sole Arbitrator appointed herein, be and is hereby directed to enter upon reference and adjudicate each dispute in accordance with law.

3. That the Sole Arbitrator appointed herein, shall be at liberty to fix the fees and expenses in relation to the arbitral proceedings.

4. That the Arbitral Tribunal has been constituted, the respective applicant herein be and is hereby permitted to seek the same interim relief



before the Arbitral Tribunal.

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5. That the interim order granted in pursuance of the order dated 20.01.2022 made in O.A.Nos.20 to 22 of 2022 restraining the respondents therein from removing the advertising materials from the relevant bus shelters shall stand extended until two weeks after the Arbitral Tribunal enters upon reference.

WITNESS THE HON'BLE MR.JUSTICE MUNISHWAR NATH BHANDARI, ACTING CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE 03rd DAY OF FEBRUARY 2022

Sd/-

ASSISTANT REGISTRAR (Comm.Cases)

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

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11.02.2022

O.A.Nos.20 to 22 of 2022

ORDER

DATED : 03.02.2022

THE HON'BLE MR. JUSTICE
SENTHILKUMAR RAMAMOORTHY

FOR APPROVAL: 11.02.2022

APPROVED ON: 14.02.2022

Copy to :

The Hon'ble Mr.Justice
M.Sathyanarayanan, Judge (Retd.),
High Court, Madras,
Sole Arbitrator,
Old No.9, New No.5/1, 2nd Avenue,
2nd Extension Indira Nagar,
Adyar, Chennai – 600 020

(Mobile No.94980 22255)

With Covering Letter:-

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

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DATED : 03.02.2022

C O R A M :

The Hon'ble Mr. Justice SENTHILKUMAR RAMAMOORTHYOriginal Application Nos.20 to 22 of 2022

1. Fine Arts Communications India Private Limited
represented by its Authorised Signatory,
No.20, U.V.Saminatha Street, Alandur,
Chennai 600 016. ... Applicant in O.A.No.20 of 2022

2. Shine Outdoor Advertising Private Limited,
represented by its Authorized Signatory,
No.4/8, First Main Road, Manjulai Street,
Ekkattuthangal, Chennai 600 016. ... Applicant in O.A.No.21 of 2022

Skyrams Outdoor Advertising India Pvt. Limited,
represented by its Authorised Signatory, Nos.15 & 17,
Lalith Towers, G.S.T. Road, Alandur,
Chennai 600 016. ... Applicant in O.A.No.22 of 2022

Vs.

1. The Commissioner, Corporation of Chennai,
Ripon Buildings, Periyar E.V.R. Salai, Chennai 600 003.

2. The Revenue Officer,
Corporation of Chennai, Ripon Buildings,
Periyar E.V.R.Salai, Chennai 600 003.

3. The Superintending Engineer,
Bus Road Routes Department,
Corporation of Chennai, Ripon Buildings,
Chennai- 600 003.

... Respondents
in all applications



PRAYER in O.A.No.20 of 2022 : This Application is filed under XIV Rule 8 of Original Side Rules read with Section 9 of the Arbitration and Conciliation Act, 1996 praying to grant an order of injunction restraining the Respondents herein and their men, agents and subordinates from in any manner disturbing the peaceful continuance of the advertisement business of the Applicant subject matter of Concession Agreements dated 31.12.2015 for construction and maintenance of bus shelters in respect of Packages 4,5 and 6;

PRAYER in O.A.No.21 of 2022 : This Application is filed under XIV Rule 8 of Original Side Rules read with Section 9 of the Arbitration and Conciliation Act, 1996 praying to grant an order of injunction restraining the Respondents herein and their men, agents and subordinates from in any manner disturbing the peaceful continuance of the advertisement business of the Applicant subject matter of Concession Agreements dated 31.12.2015 for construction and maintenance of bus shelters in respect of Packages 7 and 8; and

PRAYER in O.A.No.22 of 2022 : This Application is filed under XIV Rule 8 of Original Side Rules read with Section 9 of the Arbitration and Conciliation Act, 1996 praying to grant an order of injunction restraining the Respondents herein and their men, agents and subordinates from in any manner disturbing the peaceful continuance of the advertisement business of the Applicant subject matter of Concession Agreements dated 31.12.2015 for construction and maintenance of bus shelters in respect of Packages 1, 2 and 3.



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For Applicant : Mr.K.Duraisami, Senior Advocate
(in all OAs) for M/s.Muthumani Doraisami

For Respondents : Ms.Karthika Ashok,
(in all OAs) Standing Counsel (Corpn.)

COMMON ORDER

It is submitted by learned senior counsel for the respective applicant that the conditional order dated 20.01.2022, as clarified on 24.01.2022, was complied with by remitting an aggregate sum of about Rs.2.39 crores to the Corporation of Chennai. The said statement is recorded.

2. Both parties submit that they are agreeable to the constitution of an arbitral tribunal by this Court. The respective applicant has executed a Concession Agreement dated 31.12.2015 with the Corporation of Chennai. Each Concession Agreement contains an arbitration clause in Clause 19 thereof, which is couched in identical terms, and such clause was invoked in each case by notice dated 06.01.2022. The said clause, in relevant part, is as under:

19.2 Arbitration

<https://hcservices.ecourts.gov.in/hcservices/>

a) Arbitrators

Any Dispute which is not resolved amicably as provided in Clause 19.1(a) shall be finally settled by binding arbitration under the Arbitration and Conciliation Act, 1996. The arbitration shall be by a committee of three arbitrators chosen from a panel of five arbitrators on the list of arbitrators available with CoC. One arbitrator is to be chosen by each Party and the third to be appointed by the two arbitrators chosen by the Parties. If either Party fails to choose its arbitrator, the other Party shall take steps in accordance with Arbitration and Conciliation Act, 1996.

b) Place of Arbitration

The place of arbitration shall be Chennai, Tamil Nadu.

3. Upon perusal thereof, it is evident that a panel of three arbitrators is specified. However, the respective applicant and the Corporation of Chennai consent to the appointment of a sole arbitrator in the interest of efficient and cost effective adjudication. Although a separate dispute has arisen under each Concession Agreement between the respective applicant and the Corporation of Chennai, the nature of such dispute is near identical. Therefore, it is appropriate to appoint a common sole arbitrator. Accordingly, with the consent of parties, the following directions are issued:

- (i). Mr.Justice M.Sathyannarayanan, retired Judge of this Court, Old No.9, New No.5/1, 2nd Avenue, 2nd Extension, Indira Nagar, Adyar, Chennai-600 020 (Mobile No.9498022255) is appointed as the Sole



Arbitrator to adjudicate the following disputes:

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(a) Fine Arts Communications Private Limited v. Corporation of Chennai;

(b) Shine Outdoor Advertising Private Limited v. Corporation of Chennai; and

(c) Skyrams Outdoor Advertising India Pvt. Ltd. v. Corporation of Chennai;

(ii) The Sole Arbitrator is directed to enter upon reference and adjudicate each dispute in accordance with law.

(iii) It is open to the Sole Arbitrator to fix the fees and expenses in relation to the arbitral proceedings.

4. Since the Arbitral Tribunal has been constituted, the respective applicant is granted leave to seek the same interim relief before the Arbitral Tribunal. In order to protect the respective applicant until then, the interim order granted on 20.01.2022, as clarified on 24.01.2022, shall stand extended until two weeks after the Arbitral Tribunal enters upon reference. Original Application Nos.20 to 22 of 2022 are disposed of on the above terms.

Sd./-S.K.R.J
03.02.2022

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

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