



O.A.No.271 of 2022

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M.SUNDAR, J

O.A.No.271 of 2022

Read this in conjunction with and in continuation of earlier proceedings made in the previous listing on 16.06.2022 (yesterday) which reads as follows:

'Read this in conjunction with and in continuation of earlier proceedings made in the previous listing on 06.06.2022.

2. Today Mr.R.Parthasarathy, learned counsel representing the counsel on record for applicant and Mr.B.Giridhar Rao, counsel on record for respondents 1 to 12 are before this Court. Ms.Janani Shankar, learned counsel who is before this Court submits that she has vakalatnama from the 13th respondent and she would be filing the vakalatnama in the Registry today before close of working hours. Registry to show the name of learned counsel for 13th respondent in the cause list if the vakalatnama is in order.

3. Arbitration agreement between the parties is in the form of a covenant in a Partnership Deed is dated 01.04.2021 and this covenant is Clause 45, which reads as follows:

'45. If any dispute arises between the Partners, it shall be settled by the negotiation and conciliation proceedings and on the failure of such proceedings, it shall be referred to Arbitration in accordance with the Arbitration and Conciliation Act, 1996 or any statutory modification thereon. Each of the parties to the dispute shall be entitled to nominate an Arbitrator and the arbitrators so nominated shall appoint a presiding arbitrator. Any proceedings to be



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had under this clause shall be governed by such Act or any statutory modifications thereof and the Courts in the city of Chennai alone shall have jurisdiction and no other court shall have jurisdiction.'

4. Aforementioned Clause serves as arbitration agreement within the meaning of Section 2(1)(b) read with Section 7 of A and C Act. Both sides agreed to have their respective nominees spelt out i.e., nominees acceptable to the other side and also request the two nominees to decide on the presiding Arbitrator so that Arbitral Tribunal can be constituted. To be noted, Clause 45 of Partnership Deed which is the arbitration agreement provides for arbitration by a three member Arbitral Tribunal.

5. All the counsel before this Court submitted that they will file a joint memo to this effect before the Court tomorrow so that the captioned application can go before the Arbitral Tribunal as a Section 17 petition.

List tomorrow. List on 17.06.2022.'

2. Pursuant to aforementioned earlier proceedings all the parties to the captioned application have filed Joint Memo dated 17.06.2022. A scanned reproduction of Joint Memo [together with docket] is as follows:



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IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Ordinary Original Civil Jurisdiction)

O.A. (Comm. Div.) No.271 of 2022

In the matter of Arbitration and
Conciliation Act, 1996 and
In the matter of the Partnership
Deed dated April 1, 2021

BETWEEN:

Mr.R.Rangarajan
S/o R.Raghavan
Flat No.5, Sabari,
2nd Floor, Plot No.561-562
11th Road, Chembur,
Mumbai 400071

... Applicant

AND

Mr.G.Surendranath Rao
S/o late Mr.V.Giridhar Rao
Panchaganga Punnathanam,
Town Limit Road,
Kadappakada,
Quilon 691 008 and 12 others

... Respondents

JOINT MEMO FILED BY THE PARTIES

The Parties abovenamed have mutually agreed to nominate the following persons to constitute the Arbitral Tribunal to decide the disputes arisen between the Parties.

1. Mr.Om Prakash, Senior Advocate	- Presiding Arbitrator
2. Mr.Arvind Subramaniam, Advocate,	- Arbitrator nominated by
	- the Applicant & 13 th Respondent
3. Mr.A.R.Karunakaran, Advocate	- Arbitrator nominated by
	the Respondents 1 to 12



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It is therefore prayed that this Hon'ble Court may be pleased to pass appropriate orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Dated at Chennai this the 17th day of June, 2022

Madhupreetha
Counsel for the Applicant

13. June 2022
Counsel for the Respondents
1 to 12

Janani
Counsel for the 13th Respondent

IN THE HON'BLE HIGH COURT
OF JUDICATURE AT MADRAS
(Ordinary Original Civil Jurisdiction)
O.A. (Comm.Div. No. 271 of 2022)

Mr. R. Rangarajan
Mumbai - 400 071

... Applicant

Vs.

Mr. G. Surendranath Rao
Panchaganga Punnathanam,
Town limit road, Kadappakada,
Quilon - 691 008 and 12 others
Respondents

15544
17 JUN 2022
SECTION
JOINT MEMO FILED BY THE
PARTIES

M/s.Madhupreetha Elango
R.Supraja
Janani Shankar
(3192/2014)
Pravarshini Palanivel
(399/2014)
Counsel for the Petitioners

M/s B.Giridhar Rao
(Ms. 63/1974)
M/s J.Poornima
(Ms.958/1984)
V.S. Rishwanth
(Ms.1761/2017)

COUNSEL FOR THE
RESPONDENTS 1 TO 12

MOBILE No.86670 86640



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3. Now that the 'Arbitral Tribunal' ['AT' for the sake of convenience and clarity] has been constituted, captioned application will go before AT. It is open to the applicant to present a copy of captioned application before AT and make a request to treat the same as an application under Section 17 of A and C Act. If this course is adopted, AT shall consider the Section 17 application on its own merits and in accordance with law. Though obvious it is made clear that this Court has not expressed any opinion or view on the merits of the matter either in the captioned application or on the main arbitrable disputes. Therefore, even if issues pertaining to arbitrability of the some issues qua the *lis* that have been raised, the same shall be dealt with by AT on its own merits and in accordance with law.

Captioned application disposed of in aforesaid manner. There shall be no order as to costs.

17.06.2022

Speaking order: Yes/No

Index: Yes/No

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M.SUNDAR.J.,

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17.06.2022