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Arb O.P.(Com. Div.)No.178 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.02.2022

Coram

THE HONOURABLE MR. JUSTICE M.SUNDAR

Arb O.P.(Com. Div.)No.178 of 2021

Loyal Housing Developments (P) Limited
Represented by its Managing Director
Mr.J.Umaamaheswaran
Having Office at Plot No.1402, H Block
Anna Nagar, Chennai – 600 040

... Petitioner

vs.

M/s. Vyas Builders Private Limited
Represented by its Managing Director
Mr.Ronak Goyal
Having Office at No.18/19
Venkata Maistry Street
Chennai – 600 001

And Presently
C/o.Siddharth Mercentile Private Limited
No.824, EVR Periyar Salai
Bhandari Towers, Chennai – 600 010

... Respondent

Arbitration Original Petition filed under Section 11 of the Arbitration and Conciliation Act, 1996 to appoint an arbitrator for adjudication of dispute between the petitioner and respondent.



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For petitioner : Ms.C.Harini
For Respondent : Ms.M.Rittika
for M/s.Nathan and Associates

ORDER

Ms.C.Harini, learned counsel for petitioner and Ms.Rittika of M/s.Nathan and Associates (Law Firm) on behalf of lone respondent are before this Court.

2. Captioned 'Arbitration Original Petition ('Arb.O.P' for the sake of brevity) has been presented in this Court on 26.08.2021 under Section 11 of A and C Act *inter alia* with a prayer for appointment of an Arbitrator.

3. Notwithstanding the earlier proceedings, today the aforementioned two learned counsel submit on instructions from their respective clients that the petitioner and respondent are agreeable for appointment of a sole Arbitrator by this Court. This draws the curtains on the captioned Arb.O.P, more so in the light of sub-section (6A) of Section 11 of A and C Act, which sets out the legal perimeter of a legal drill under Section 11. Therefore, it



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would suffice to say that arbitrable disputes have arisen between the parties from and out of an agreement dated 21.03.2010, which is captioned 'JOINT VENTURE AGREEMENT'. To be noted, Clause 11 thereat is the arbitration clause and the same serves as an arbitration agreement between the parties within the meaning of Section 2(1)(b) read with Section 7 of A & C Act.

4. Captioned Arb.O.P is disposed of by appointing Hon'ble Mr.Justice N.Authinathan (Retd.), a former Judge of this Court residing at No.37, A-Block, Lakshmi Nivas, Marshalls Road, Egmore, Chennai -8, (Ph:29996122, Mob: 9445508822) as sole Arbitrator. Hon'ble sole Arbitrator is requested to enter upon reference and adjudicate upon the arbitrable disputes between the petitioner and respondent. The arbitration shall be conducted in the Arbitration and Conciliation Centre under the aegis of this Court (MHCAC) in accordance with the Madras High Court Arbitration Proceedings Rules, 2017 and Hon'ble Arbitrator's fee shall be as per Madras High Court Arbitration Centre (MHCAC) (Administrative Cost and Arbitrator's Fees), Rules 2017.



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Captioned Arb.OP is disposed of in the aforesaid manner. There shall

be no order as to costs.

22.02.2022

Speaking/Non-speaking order

Index : Yes / No

gpa

Note: Registry is directed to communicate a copy of this order forthwith to

1. Hon'ble Mr.Justice N.Authinathan (Retd.,)
No.37, A-Block, Lakshmi Nivas,
Marshalls Road, Egmore,
Chennai -8, (Ph:29996122, Mob: 9445508822)
2. The Director
Tamil Nadu Mediation Council Centre
-cum- Ex-Officio Member
Madras High Court, Arbitration Centre
Chennai - 104



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M.SUNDAR. J

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