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Arb.O.P.(Comm.Div.) No.390 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.11.2022

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

Arb.O.P.(Comm.Div.) No.390 of 2022

Kumkum Buildcon Pvt. Ltd.,
A-504, RemiBizcourt, Shah Industrial Estate,
Off Veera Desai Road, Andheri,
West Mumbai, Maharashtra 400 053.

... Petitioner

VS.

Casagrand Smart Value Homes Pvt. Ltd.,
New No.111, Old No.59, 5th Floor,
L.B.Road, Thiruvanmiyur,
Chennai 600 041.

... Respondent

PRAYER: Arbitration Original Petition filed under Section 11(6) of the Arbitration and Conciliation Act, 1996, pleased to appoint an arbitrator in terms of Clause 13 of LOI dated 23.10.2020 to resolve the disputes between the petitioner and the respondent.



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For Petitioner : Mr.P.J.Sriganesh

For Respondent : Mr.Ganesh for M/s.Ganesh and Ganesh

ORDER

The petitioner seeks the constitution of an arbitral tribunal to adjudicate the disputes arising out of the Letter of Intent dated 23.10.2020 (the LOI) between the petitioner and the respondent.

2. The petitioner states that the aforesaid LOI was entered into in relation to the construction of a residential apartment complex by the respondent. After providing services pursuant to the LOI, it is stated that amounts due and payable to the petitioner were not paid. Therefore, by notice dated 20.06.2022, the arbitration clause was invoked and the petitioner proposed the name of an arbitrator. In spite of receiving this notice, it is stated that the respondent did not reply. Hence this petition.



WEB COPY



Arb.O.P.(Comm.Div.) No.390 of 2022

3. Learned counsel for the respondent admits that there is an arbitration agreement in the LOI. Therefore, without prejudice to the respondent's contentions on the merits of the matter, he states that the respondent is agreeable to the constitution of an arbitral tribunal.

4. Therefore, Arb.O.P.(Comm.Div.) No.390 of 2022 is allowed by appointing Mr.Justice V.Bharathidasan, retired Judge of this Court, No.22 (L-45), 2nd Main Road, Kamaraj Nagar, Thiruvananthapuram, Chennai - 41, Mobile No.9444383139, as the sole arbitrator. The sole arbitrator is requested to enter upon reference and adjudicate the dispute. The fees and expenses in respect of the arbitral proceedings shall be fixed by the arbitral tribunal in consultation with the parties.

23.11.2022

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Index : Yes / No

Internet : Yes / No



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WEB COPY



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