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Arb.O.P.(Comm.Div.) No.443 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.11.2022

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THE HONOURABLE **MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

Arb.O.P.(Comm.Div.) No.443 of 2022

D.Vaijayanthimala
Wife of Deenadayalan

... Petitioner

VS.

M/s.GTL Infrastructure Limited,
Rep. by its Managing Director
3rd Floor, City Centre,
No.232, Old No.186,
Purasaiwakkam High Road,
Kilpauk,
Chennai-600 010

Also at:

3rd Floor “Global Vision”
Electronic Sadan No.II MIDC
TTC Industrial Area
Mahape, Navi Mumbai-400 710
Maharashtra.

... Respondent

PRAYER: Arbitration Original Petition filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 pleased to appoint an Arbitrator to go into the dispute between the petitioner and the respondent in respect of Licence Agreement dated 09.09.2017.



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For Petitioner : Mr.M.A.Aruneshe for
Mr.A.V.Arun

For Respondent : Mr.C.Sakthimanikandan

ORDER

The petitioner seeks constitution of an arbitral tribunal to resolve the dispute between the petitioner and the respondent.

2. The petitioner states that the principal agreement dated 13.12.2008 was executed between the parties in respect of the erection of Cellular Mobile Transmitting Equipment by the respondent in the premises of the petitioner. By citing clause 18 of the agreement, the petitioner states that the contract provides for dispute resolution by arbitration. The said clause 18 is as under:

“18. Any dispute or claim between the parties hereto arising out of or relating to this agreement, or its implementation and / or its effect, or the breach, termination, due to efflux of time or otherwise, or invalidity thereof, either during its subsistence or after its termination, shall be referred to the arbitration of a sole arbitrator in accordance with the provisions of Arbitrations and Reconciliation Act, 1996. The arbitration shall be held at Chennai”.



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3. After issuing a lawyer's notice dated 24.08.2021, the petitioner invoked the arbitration agreement and issued a notice dated 28.06.2022 under Section 21 of the Arbitration and Conciliation Act 1996. The said notice was received by the respondent, but not replied to.

4. Learned counsel for the respondent denies the claims made by the respondent on merits. However, it is submitted that there is an arbitration agreement between the parties.

5. In the circumstances, the petitioner is entitled to succeed. Accordingly, Arb.O.P.(Com. Div.) No.443 of 2022 is allowed by appointing Mr.A.J.Jawad, Advocate, No.5/1. Jagajeevan Ram Avenue, East Coast Road, Injambakkam, Chennai-600 115, Mobile No.9840114287, as the sole Arbitrator. The sole Arbitrator is called upon to enter upon reference and adjudicate the dispute. The fees and expenses in relation to the arbitral proceedings may be decided in consultation with the parties.

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Index : Yes/No

Internet : Yes/No

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