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Arb.O.P.No.17 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

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M/s.Esplanade-Chennai Flat Owners Welfare Association,
Rep. by its Secretary Mr.S.Viswanathan,
No.75, Vaidyanathan Street,
Tondiarpet,
Chennai – 600 061.

... Petitioner

Vs.

1.M/s.Emaar MGF Land Limited,
Rep.by its Director,
Office at PM Towers,
Old No.5, New No.37, Greams Road,
Chennai – 600 006.
Now at Emmar India Ltd.,
Emmar Business Park,
Mehruli Gurgaon Road,
Sri Kandadarpur Chowk,
Sector-28,
Gurgoan – 122 002.



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2.M/s.Emaar Avenue Flat Owners Association,
Rep. by its Secretary Mr.Prabakaran,
Avenue, No.75, Vaidyanathan Street,
Tondiarpet,
Chennai – 600 081.

...Respondents

PRAYER: Original Petition filed under Section 14 (1) (l) and 15 of the Arbitration and Conciliation Act, 1996, to terminate the service of the Sole Arbitrator Mr.K.N.Basha, (Retired High Court Judge, Madras) and appoint substitute Arbitrator to complete the proceedings.

For Petitioner : Mr.L.Murali Krishnan
For Respondents : Mr.Muhammed Tareq for R1
Mr.R.Palaniandavan for R2

ORDER

This application has been filed seeking to terminate the services of the Sole Arbitrator and to appoint a substitute Arbitrator to complete the proceedings.

2.The present Arbitrator by his communication dated 01.12.2022 had intimated the parties that owing to the present health condition that he is not in



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a position to continue with the Arbitration Proceedings and also suggested to appoint a new Arbitrator.

3.Considering the communication of the learned Arbitrator, wherein he has expressed his desire not to continue due to his health condition, I hereby appoint Hon'ble Mr.Justice R.Balasubramanian, (Retd.) Judge of this Court as a Sole Arbitrator in place of Hon'ble Mr.Justice K.N.Basha (Retd.) to proceed denova with the dispute between the parties, this Court requested the learned Arbitrator to dispose of the dispute within a period of six months from the date of receipt of a copy of this order.

4.With the above direction, this application is ordered. There shall be no order as to costs.

29.03.2023

Index: Yes/No

Speaking Order/Non-Speaking Order

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K.KUMARESH BABU, J.

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