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Arb.O.P(Com.Div.)No.322 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2023

CORAM :

THE HONOURABLE MR.JUSTICE C.SARAVANAN

Arb.O.P.(Com.Div.)No.322 of 2023

M/s.Revenza Global Ventures Private Limited,
Represented by its Director Sanjay Lalwani

... Petitioner

Vs.

1.M/s.Five Star Creations LLP,
Represented by its Partner S.Kathirasan

2.S.Kathirasan

3.Kalaiselvi

... Respondents

Prayer: Original Petition is filed under Section 11(6) of the Arbitration and Conciliation Act, 1996, praying to appoint and nominate an Arbitrator to adjudicate the dispute between the petitioner and the respondents arising out of Deed of Assignment Agreement dated 15.04.2021 and to direct the respondents to pay costs.

For Petitioner : Mr.R.Sivaraman
for M/s.My Lord Law Associates

For Respondents : Mr.Vijayan Subramanian

ORDER

Heard the learned Counsel for the petitioner and the learned Counsel for the respondents.



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2. Barring a request for adjournment, no further arguments have been advanced.

3. The dispute between the petitioner and the respondents is arbitrable in terms of Deed of Assignment dated 15.04.2021 signed between the petitioner and the respondents.

4. Relevant clause in the Deed of Assignment dated 15.04.2021 reads as under:-

"37. In case of any dispute or differences between the parties, the parties shall refer the matter to the Arbitration of a sole Arbitrator, if the parties agree upon the sole Arbitrator or to a panel of three arbitrators, one to be appointed by each party and the third Arbitrator be appointed by the other two Arbitrators as Presiding Arbitrator. The Arbitration shall be at Chennai and shall be governed by the provisions of Arbitration and Conciliation Act, 1996 or any statutory modification or enactment thereof for the time being in force."

5. The petitioner has also invoked Arbitration Clause by issuing notice under Section 21 of the Arbitration and Conciliation Act, 1996 on 09.04.2023.

The petitioner had also filed O.A.No.313 of 2023 against the respondents.



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6. The respondents in turn had also filed an application in A.No.201 of 2023. By an order dated 13.04.2023, the following order was passed:-

"Arbitration Application praying that this Hon'ble Court be pleased to Vacate the Interim Injunction granted by this Hon'ble Court in O.A.No.313/2023 on 11.04.2023.

This Arbitration Application coming on this day before this Court for hearing in the presence of Mr.P.S.Raman, Senior Counsel, for M/s.Vijayan Subramanian, Advocates for the Applicants herein and Mr.C.P.Sivamohan, for M/s.Mylord Law Associates, Advocates for the Respondent herein, and upon reading the Judge's Summons and the Counter Affidavit of M/s.Five Star Creations LLP, Represented by its Partner Mr.S.Kathiresan, filed herein and the order dated 11.04.2023 made in O.A.No.313 of 2023 and the learned counsel for the applicants having submitted that as submitted by the learned counsel for the respondent, while permitting the applicants to release the film "RUDRAN' on 14.04.2023, and it is ordered as follows:-

That the applicants herein be and are hereby directed to protect the interest of the respondent to the extent provided in the Assignment Deed dated 15.04.2021, which includes dubbing rights of the North Indian Languages and also Satellite rights of the said languages.

2. That the order of interim injunction granted in pursuance of the order dated 11.04.2023 made in O.A.No.313 of 2023 restraining the respondents therein from releasing the Movie "RUDRAN' starring Raghava Lawrence, Priya Bhavani Shanker being directed by S.Kathiresan and Music by G.V.Prakash in theatres and through Satellite and Digital mode in all the languages be and is hereby vacated subject to the condition that the rights of the respondent in Arb.Appln.No.201 of 2023 have to be protected by the applicants as mentioned above.



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3. That the parties hereto be and are hereby directed to commence the arbitration proceedings within a period of 90 days from the date of receipt of a copy of this order.

4. That the parties hereto shall be at liberty to approach the learned Arbitrator, if so advised, to get any interim order for modification of the present order or for otherwise to protect their rights.

5. That there shall be no order as to costs."

Nothing further progressed since then.

7. In the Notice issued on 09.04.2023, the petitioner has nominated Hon'ble Mr.Justice.T.Mathivanan (Retd.), Former Judge of Madras High Court as the sole arbitrator to resolve the dispute between the parties in the aforesaid Deed of Assignment.

8. Considering the fact that there is a clause for resolving the dispute between the parties through arbitration and considering the fact that there are no serious objections from the respondents in appointing Hon'ble Mr.Justice.T.Mathivanan (Retd.) Former Judge of Madras High Court as an Arbitrator, Court is inclined to appoint Hon'ble Mr.Justice.T.Mathivanan (Retd.) Former Judge of Madras High Court as the sole arbitrator to adjudicate/resolve the dispute between the parties.



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9. The learned Arbitrator appointed herein, shall after issuing notice to the parties and upon hearing them, endeavour to complete the arbitral proceedings and pass an award strictly in accordance with the provisions of the Arbitration and Conciliation Act, 1996, as expeditiously as possible, preferably within a period of twelve months after the date of completion of pleadings under Sub-Section 4 to Section 23 as is contemplated in Section 29-A of the Arbitration and Conciliation Act, 1996, without getting influenced by any of the observations made by this Court in this order.

10. The learned Arbitrator appointed herein shall be paid fees and other incidental charges, as may be fixed with the consent of parties or in accordance with the provisions of the Arbitration and Conciliation Act, 1996, and the same shall be borne by the parties equally. In case, the respondents remain *ex parte*, the petitioner shall pay the entire fee and other incidental charges to the learned Arbitrator and later recover the same from the respondents.

11. This Original Petition is allowed accordingly, leaving the parties to bear their own costs.



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12. Since this Court has appointed the Arbitrator, it is open to the petitioner as well as the respondents to seek other reliefs under Section 17 of the Arbitration and Conciliation Act, 1996, before the learned Arbitrator.

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Index : Yes/No

Internet : Yes/No

Speaking Order/Non-Speaking Order

Neutral Citation : Yes/No

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