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Arb..O.P(Com.Div). No.343 of 2023

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

DATED : 12.10.2023

CORAM :

**THE HONOURABLE MR.JUSTICE C.SARAVANAN**

Arb.O.P(Com.Div).No.343 of 2023

M/s.Samson Foundations,  
Rep by its Partner,  
Mr.Hamir Sampat,  
Office at 191, Demellows Road,  
Opp Natraj Theatre, Choolai,  
Chennai – 600 112.

... Petitioner

Vs.

Regus Granduer Offices Private Limited,  
Level 4, Dynasty Business Park,  
Andheri Kurla Road, Andheri East,  
Mumbai – 400 059.

... Respondent

Prayer: Original Petition is filed under Section 11(5) and (6) of the Arbitration and Conciliation Act read with Rule 2 of the Appointment of Arbitrators of Madras High Court Scheme, 1996, praying to appoint a sole Arbitrator to resolve the disputes between the petitioner and the respondent in terms of the lease deed dated 31.08.2015.



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For Petitioner : Mr.P.Giridharan  
For Respondents : Mr.Vijay R.Sekar

### **ORDER**

The learned counsel for the respondent submits that the lease agreement dated 31.08.2015 is unstamped and therefore Clause 27 of the said lease agreement is not valid and therefore in the light of the decision of the Hon'ble Supreme Court in *N.N.Global Mercantile Private Limited Vs. Indo Unique Flame Limited and others* [(2023) 7 SCC 1], the petition for appointment of an Arbitrator on the strength of the aforesaid lease deed dated 31.08.2015 does not survive.

2. It appears that a curative petition has been moved before the Hon'ble Supreme Court to review the decision of the Hon'ble Supreme Court in *N.N.Global Mercantile Private Limited Vs. Indo Unique Flame Limited and others* [(2023) 7 SCC 1]. It is likely to be listed before the Hon'ble Supreme Court and to be heard.

3. Considering the above, this Original Petition is dismissed for statistical purpose for the present with liberty to the petitioner to file a fresh application



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after review orders are passed in the curative petition. In case, the order of the

Hon'ble Supreme Court in *N.N.Global Mercantile Private Limited Vs. Indo*

*Unique Flame Limited and others* [(2023) 7 SCC 1] is reversed, the petitioner

is at liberty to approach this Court. In the alternative, the petitioner may pay

the deficit stamp duty and file a fresh application.

4. This Original Petition is closed for the present with the above liberty.

No costs.

**12.10.2023**

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**C.SARAVANAN, J.**

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