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Arb..O.P(Com.Div). No.379 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2023

CORAM :

THE HONOURABLE MR.JUSTICE C.SARAVANAN

Arb.O.P(Com.Div).No.379 of 2023

M/s.URC Construction (P) Ltd.,
Rep by its Chief Executive Officer, D.Kabilan,
Voora JK Towers, 2nd Floor,
No.28, Bazullah Road,
T.Nagar, Chennai – 600 017.

... Petitioner

Vs.

M/s.Sandhya Infocity Ltd,
(Formerly known as ETA Technopark Ltd – SEZ., &
Bayline Infocity Ltd.,)
No.33, Old Mahabalipuram Road
(Rajiv Gandhi Salai),
Navallur, Chennai – 600 130.

... Respondent

Prayer: Original Petition is filed under Section 11(6) of the Arbitration and Conciliation Act, 1996, praying to

a) to appoint an arbitrator to adjudicate the disputes between the petitioner and the respondent WO/ETA Technopark/Civil/01/18-19/dated 25.04.2018 and Contract Agreement dated 20.07.2018 as set-out in this petition and

b) to direct the respondent to pay the cost of this petition.



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For Petitioner : Mr.V.P.Sengottuvel
Senior Counsel for
Mr.K.R.Nishanth

For Respondent : Mr.R.N.Amarnath

ORDER

This petition has been filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 for appointment of an Arbitrator to adjudicate the disputes between the petitioner and the respondent WO/ETA Technopark/Civil/01/18-19/dated 25.04.2018 and Contract Agreement dated 20.07.2018 as set-out in this petition and to direct the respondent to pay the cost of this petition.

2.Both the parties consent for appointment of Mr.P.V.Balasubramaniam, Senior Advocate as an Arbitrator to resolve the dispute between the parties.

3.The parties are at liberty to workout the venue for Arbitration at Chennai.



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4.Recording the consent, following orders are passed:-

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(i) **Mr.P.V.Balasubramaniam, Senior Advocate, (Mobile No.:9841041888)** having office at **No.47/2, I Main Road, Rams Surabhi Apartment, RA Puram, Chennai – 600 028**, is appointed as an Arbitrator to enter upon reference and adjudicate / resolve the *inter se* dispute between the parties.

(ii) 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.

(iii) 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



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shall be borne by the parties equally. In case, the respondent remain *ex parte*,

the petitioner shall pay the entire fee and other incidental charges to the Arbitrator and later recover the same from the respondent.

5.The Original Petition is allowed with the above observations, leaving the parties to bear their own costs.

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

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C.SARAVANAN, J.

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