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ARB.O.P.NO.102 OF 2023

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

ARB.O.P.NO.102 OF 2023

1.S.Sridar
2.S.Ramachandran
3.Srikrishnan Vibu

. . . Petitioners

VS.

1.The Executive Committee
Jains Ashraya Phase II Flat Owners Association
Virugambakkam, Kamalakannan Gardens,
No.1, Vembuliamman Koil Street,
West K.K.Nagar, Chennai – 600 078.

2.Naveen Kumar Murthi

. . . Respondents

PRAYER : Petition filed under Section 14(2) of the Arbitration and Conciliation Act, 1996 read with Rule 10 of the Madras High Court Arbitration Rules, 2020, to (a) terminate the mandate of the Sole Arbitrator appointed by this Court, being the second respondent herein, by way of an order dated 27.06.2023 in Arb.O.P.No.8 of 2022 and consequently substitute him with an alternative Arbitrator to adjudicate upon the disputes between the petitioners and the first respondent; (b) to direct the respondents to pay the cost of the petitioner.

For Petitioners : M/s.P.B.Ramanujam Associates



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ORDER

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This Arbitration Original Petition has been filed to terminate the mandate of the Sole Arbitrator appointed by this Court vide order dated 27.06.2023 in Arb.O.P.No.8 of 2022 and consequently substitute him with an alternative Arbitrator to adjudicate upon the disputes between the petitioners and the first respondent.

2.The learned counsel for the petitioners submit that upon receipt of the order dated 27.06.2023 passed by this Court, they have sent a letter dated 12.07.2023 to the Sole Arbitrator fixed by this Court, the second respondent herein. However, the Arbitrator himself has addressed a letter dated 26.08.2023 to the petitioners expressing his inability to adjudicate the dispute between the parties. Hence, the petitioners filed the present petition with the above prayer.

3.Heard the submission made by the learned counsel for the petitioners and perused the materials available on record.



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4.This Court has perused the letter dated 26.08.2023 of the Sole Arbitrator fixed by this Court, which is annexed at page No.52 of the index to the typed set filed by the petitioners and in view of the letter given by the Sole Arbitrator, this Court is inclined to terminate the mandate of the Sole Arbitrator / the second respondent herein, appointed by this Court vide order dated 27.06.2023 passed in Arb.O.P.No.8 of 2022 and accordingly, it is ordered as follows:

i) That Mr.V.Chandrasekaran, Advocate, having office at A1, Sai Nivas, No.110, Kamdar Nagar 3rd Street, Nungambakkam, Chennai-600 034, Mobile No: 9884396675 is appointed as a Sole Arbitrator to enter upon reference and adjudicate the matter;

ii] That the learned Arbitrator appointed herein, shall after issuing notice to the parties and upon hearing them, pass an award as expeditiously as possible, within the time framed as stipulated under the Act;



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iii] That the learned Sole Arbitrator appointed herein

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shall be paid fees as per the schedule and the same shall be borne by the parties equally.

5.This Arbitration Original Petition is ordered accordingly, leaving the parties to bear their own costs.

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Index : Yes / No

Neutral Citation: Yes/No

Speaking/Non-speaking order



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N.SATHISH KUMAR, J.

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