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Arb.O.P(Com.Div.)No.496 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2023

CORAM :

THE HONOURABLE MR.JUSTICE C.SARAVANAN

Arb.O.P.(Com.Div.)No.496 of 2023

and

O.A.No.748 of 2023

M/s.J Cube Projects,
A Partnership Firm,
Represented by its Partner Mr.J.Ramanjaneyulu

... Petitioner

Vs.

M/s.G Square Realtors Private Limited,
Represented by its Managing Director

... Respondent

Prayer: Original Petition is filed under Section 11(6) of the Arbitration and Conciliation Act, 1996, praying to appoint an Arbitrator to adjudicate the disputes between the Petitioner and the Respondent in terms of the Assignment Agreement dated 28.11.2022 and direct the Respondent to pay costs of this proceedings.

For Petitioner : Mr.BFS legal for
D.Ferdinand

For Respondent : Mr.Ganesan

ORDER

It was informed by the learned counsel for the petitioner/applicant that the learned counsel for the respondent/respondent has consented for appointment of Mr.N.L.Rajah, learned Senior Advocate as an Arbitrator.



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2. The query was put to the learned counsel for the respondent/respondent that Mr.D.Ferdinand, learned counsel is also from the same Chamber where Mr.N.L.Rajah sits.

3. The learned counsel for the respondent/respondent submits that he has full faith and has no objection for appointing Mr.N.L.Rajah, learned Senior Advocate as a sole arbitrator to resolve the dispute between the parties.

4. The learned counsel for the respondent/respondent has also given a consent letter dated 04.11.2023 in response to the letter dated 02.11.2023 of the learned counsel for the petitioner/applicant.

5. Recording the same, **Mr.N.L.Rajah, Senior Advocate (Cell No.98410 13617) having office at No.5, Venkateswara Nagar, 4th Street, Adyar, Chennai - 600 020**, is appointed as an arbitrator to enter upon reference and resolve the *inter se* disputes between the parties.

6. The learned Arbitrator appointed herein, shall after issuing notice to the parties and upon hearing them, endeavour to complete the arbitral proceedings



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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.

7. 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 respondent remains *ex parte*, the petitioner shall pay the entire fee and other incidental charges to the learned Arbitrator and later recover the same from the respondent.

8. Since this Court has appointed the Arbitrator, it is open for 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.

9. In O.A.No.748 of 2023, there shall be an interim protection as well for a period of one month from today.



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10. It is open for the petitioner to move appropriate application under Section 9 of the Arbitration and Conciliation Act, 1996, for continuance of the aforesaid order.

11. It is made clear that all alienations made by the petitioner/applicant will be subject to final award to be passed by the learned Arbitrator.

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

07.11.2023

Index : Yes/No

Internet : Yes/No

Speaking Order/Non-Speaking Order

Neutral Citation : Yes/No

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Note: Issue Order Copy on 22.11.2023.



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C.SARAVANAN, J.

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