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Arb.O.P.(Com.Div.)No.59 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 29.01.2025
Pronounced on : 31.01.2025

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THE HONOURABLE MR.JUSTICE P.B.BALAJI

Arb.O.P.(Com.Div.)No.59 of 2024

N.Ramakrishnan

... Petitioner

VS.

Balaji Narasimhachari

... Respondent

PRAYER: Arbitration Original Petition filed under Sections 11(6) of the Arbitration and Conciliation Act, 1996, to appoint an independent Sole Arbitrator under the provisions of Section 11 of the Arbitration and Conciliation Act, 1996; direct the respondent to pay the cost that the petitioner has incurred in filing this petition.

For Petitioner : Mrs.K.Subhashini
for M/s.Chennai Law Associates

For Respondents : Mr.M.S.Niranjan

ORDER

This Original Petition has been filed seeking appointment of a Sole Arbitrator under Section 11(6) of the Arbitration and Conciliation Act, 1996 to appoint an Arbitrator to adjudicate the disputes between the parties.



2.Heard Mrs.K.Subhashini for M/s.Chennai Law Associates, learned counsel for the petitioner and Mr.M.S.Niranjan, learned counsel for the respondent.

3.The existence of a valid arbitration agreement in the Memorandum of Understanding is not in dispute. It is only the entitlement of the respondent to unilaterally appoint an Arbitrator which is not agreeable to the petitioner and hence, the Section 11 petition has been filed.

4.The learned counsel for the respondent fairly submits that the respondent has no objection for the Arbitrator being appointed as the Courts have now come down heavily on unilateral appointment of Arbitrators. However, the learned counsel would only seek reservation of the respondent's right to initiate / proceed before the criminal Courts as against the petitioner. The claim, which is proposed to be adjudicated before the Arbitrator is of purely civil consequences and there would be no impediment for the respondent to initiate criminal action / proceedings against the petitioner, as that may be available under law. However, insofar as the present prayer is concerned, the parties have to necessarily resolve



their differences by referring the disputes to a Sole Arbitrator.

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5.In view of the above, I hereby appoint **Mr.Krishnan.M.S, Senior Advocate, No.24, Sriram Nagar, North Street, Alwarpet, Chennai – 600 018, Ph.No.9444088824**, as the Sole Arbitrator to go into the disputes between the parties and adjudicate the same in accordance with law.

6.The learned Arbitrator is entitled to fix his fees as per the Schedule-IV to the Act. This Court further requests the learned Arbitrator to endeavor to decide the dispute as expeditiously as possible, however, not later than six (6) months from the date of his entering into reference.

7.Accordingly, this Arbitration Original Petition is allowed.

31.01.2025

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Index : Yes / No

Internet : Yes / No



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P.B.BALAJI, J.,
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