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Arb. OP.No.5 of 2024

THE HIGH COURT OF JUDICATURE AT MADRAS

Date 29.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Arb.OP.No.5 of 2024

M/s.Sakthi Foundations Private Ltd.,
No.18/26, Loganathan Nagar, 2nd Street,
Choolaimedu,
Chennai-94,
Represented by its Director Mr.G.T.Balaji.

. . . Petitioner

Versus

M/s. Resilient Merchandise LLP,
No.29, 5th Floor,
Whites Road, Royapettah,
Chennai-14,
Represented by its Chief Executive Officer,
Mr.Rahul Bhora.

. . . Respondent

PRAYER : Petition filed under Section 11(6) of Arbitration and Conciliation Act, 1996 to appoint petitioner's nominee the Hon'ble Mr. Justice K.Venkatraman (Retd.) as the sole Arbitrator as per Lease Deed dated 01.10.2019 and the agreement for provision of amenities dated 01.10.2019 in accordance with Section 11(6)(a) of the Arbitration and Conciliation Act, 1996 and directing the respondent to pay the cost of the instant application.



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For petitioner : Mr.C.Munusamy
For respondents : Ms.Ramya Subramanian

ORDER

This Petition has been filed to appoint an arbitrator to resolve the dispute arising out of lease agreement dated 01.10.2019 and the agreement for provision of amenities, between the petitioner and the respondent.

2. It is the case of the petitioner that the respondent is liable to pay a sum of Rs.8.20/- crores in respect of the rent and amenities under the lease deed. As the same was not paid invoking the arbitration clause under 12.9 of the agreement, the petitioner issued notice to the respondent to exercise the right to suggest an Arbitrator within 30 days which having not been exercised, the present petition has been filed for appointment of Arbitrator.

4. The learned counsel for the respondent submits that this Court may appoint the Arbitrator as per the clause 12.9 of the agreement.

5. Since there is no dispute as to the existence of Arbitration agreement, it is ordered as follows:



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i) that Mr.K.Venkataraman, Judge [Retd.], High Court, Madras, residing at L-Block, 125, 17th Street, East Anna Nagar, Chennai-600 102, Mobile No.7708895435 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 within the time stipulated as per the Act.

iii] That the learned Sole Arbitrator appointed herein shall be paid fees as per the schedule and the same shall be borne by the parties equally.

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

29.02.2024

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Index : Yes / No

Internet: Yes

Speaking/non speaking order



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N. SATHISH KUMAR, J.
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To
Mr.K.Venkataraman,
Judge [Retd.],
L-Block, 125, 17th Street,
East Anna Nagar,
Chennai-600 102,
Mobile No.7708895435.

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