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Arb.O.P.No.13 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date 22.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Arb.O.P.No.13 of 2024

K.Malathi

... Petitioner

Versus

M/s.GTL Infrastructure Limited
(M/s. Chennai Network Infrastructure Limited)
City Centre, 3th Floor, No.232, Old No.186
Purasaiwalkam High Road, Kellys,
Chennai – 600 010

... Respondent

PRAYER : Petition filed under Section 11(6)(a) of Arbitration and Conciliation Act, 1996 to appoint an arbitrator to adjudicate the dispute between the petitioner and the respondent.

For petitioner : Mr.M.Kamalakaran

For respondents : Mr.C.Sakthi Manikandan

ORDER

The petitioner prays for the constitution of an arbitral tribunal to resolve the dispute between the petitioner and the respondent. The petitioner has leased out a



portion of Roof top terrace to the respondent agreeing to a monthly consideration of Rs.20,000/- from 19.01.2011. The respondent failed to pay the monthly rent from 01.11.2017 as agreed in the lease agreement dated 04.03.2009. The petitioner cites clause 6 of the Lease Deed dated 04.3.2009, which is set out below:

“6.It is further agreed that if any dispute arise between the LESSOR and the LESSEE the same should be referred to Arbitration according to Indian Arbitration Act, the award passed by the arbitrator is final and binding on both the parties.”

2. The learned counsel for the respondent has not disputed with the arbitration clause, however, disputed in the counter that the agreement is unstamped. This Court is of the view that such objection has no legs to stand legally.

3. Since, clause 6 of the Lease Deed provides for reference to the Arbitrator, this Court is inclined to appoint Mr.P.V.Balasubramaniam, Senior Advocate, 47/2, I Main Road, RAMS Apartments, R.A.Puram, Chennai – 600 028, Mobile No. 98410 41888, as the sole arbitrator. The sole arbitrator is called upon to enter upon



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reference and adjudicate the dispute. The fees and expenses in respect of the arbitral proceedings shall be fixed by the arbitral tribunal as per the fourth schedule of the Arbitration and Conciliation Act, 1996.

22.03.2024

Index : Yes / No
Internet: Yes
Speaking/non speaking order
dhk

To

Mr.P.V.Balasubramaniam,
Senior Advocate,
47/2, I Main Road,
RAMS Apartments,
R.A.Puram,
Chennai – 600 028
Mobile No. 98410 41888

N. SATHISH KUMAR, J.



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