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Arb.O.P. No.17 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.12.2024

CORAM

THE HONOURABLE MR.JUSTICE P.B.BALAJI

Arb.O.P. No.17 of 2024

1. Mr.Anushh Veeraraghavan
2. Mrs. Janaki Veeraraghavan

... Petitioners

vs.

1. M/s. VGN Projects Estates Private Limited
Rep. by its Authorised Signatory,
No. Y-222, Kimberly Towers,
2nd Avenue, Anna Nagar, Chennai - 600 040

2. Mr. S. Vigneshwaran

... Respondents

PRAYER: Arbitration Original 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 terminate the mandate of the 2nd Respondent and consequently, substitute him with an alternative Sole Arbitrator to adjudicate upon the disputes between the Petitioners and 1st Respondent and to direct the respondents to pay the costs.

For Petitioner : Mr.Dinuprashanth

For Respondent : Ms.T.R.Varsha for R1



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ORDER

This Arbitration Original Petition has been filed under Section 14(2) of the Arbitration and Conciliation Act, 1996 (hereinafter called as 'the Act') to terminate the mandate of the 2nd respondent and consequently, substitute him with an alternative Arbitrator to adjudicate upon the disputes between the Petitioners and the 1st respondent.

2. I have heard Mr.Dinuprashanth, learned counsel for the petitioner and Ms. TR. Varsha, learned counsel for the 1st respondent.

3. The learned counsel for the first respondent has filed a counter stating that since the appointment of the second respondent was unilateral, it is not maintainable and the same is in violation of the dictum laid down by the Hon'ble Supreme Court in Perkins Eastman Architects Dpc Vs. HSCC(India) Limited, reported in (2019) 8 MLJ 623.

4. I have gone through the records and admittedly, the arbitration proceedings have commenced only based on the unilateral appointment



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made by first respondent.

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5. In view of the same, there is no impediment for terminating the mandate of the 2nd respondent. Accordingly, this Court is inclined to appoint a new Arbitrator viz., **Mr.D.Ferdinand, Advocate having office address at 47/1, Rams Surabi Apartments, 1% Main Road, R.A. Puram, Chennai 600 028 (Tel: +91 44 4353 5443; Cell: +91 98410 23434)** as the Sole Arbitrator. The sole Arbitrator is directed to enter upon reference and adjudicate the dispute 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.

09.12.2024

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Index : Yes / No

Internet : Yes / No



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P.B.BALAJI, J.,
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