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Arb.O.P. (Com.Div.) No.523 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2024

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

Arb.O.P.(Com.Div.)No.523 of 2023

Mr.H.Sunil Kumar

.. Petitioner

Vs.

1.Mr.M.Deepak Kumar Samdariya

2.Mrs.B.Rasheetha

.. Respondents

Prayer: Original Petition is filed under Section 11(6) of the Arbitration and Conciliation Act, 1996, praying to appoint a Sole Arbitrator to decide and adjudicate upon the dispute between the petitioner and respondents arising out of sale agreement dated 18.06.2018 registered as Doc.No.3559/2018 in the office of the Sub Registrar, Virugambakkam, under Section 11(6) of the Arbitration and Conciliation Act, 1940 to arbitrate/resolve the disputes between the petitioner and the respondent.

For Petitioner : Mr.C.S.Kiran

For Respondents : M/s.T.G.Niranjana for
M/s.Surana and Surana



WEB COPY (i) Mr.K.K.Balu, Member Company Law Board and Vice

Chairman Company Law Board (Retd), (Mobile No.:9677021056)

residing at No.17/11, Syndicate Enclave, Sengani Amman Koil Main

Street, Maduvankarai, Guindy, Chennai – 600 032, is appointed as an

Arbitrator to enter upon reference and adjudicate / resolve the *inter se* dispute between the parties.

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

(iii) The learned Arbitrator appointed herein shall be paid fees and other incidental charges as may be fixed with the consent of parties or in



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accordance with the provisions of the Arbitration and Conciliation Act, 1996, and the same shall be borne by the parties equally. In case, the respondents remain *ex parte*, the petitioner shall pay the entire fee and other incidental charges to the Arbitrator and later recover the same from the respondents.

5.The Original Petition is allowed with the above observations, leaving the parties to bear their own costs.

6.Since the Court has appointed an Arbitrator, it is open to the petitioner as well as the respondents to seek other reliefs under Section 17 of the Arbitration and Conciliation Act, 1996, before the learned Arbitrator.

03.01.2024

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Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No



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C.SARAVANAN, J.

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