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Arb.O.P.No.14 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date 26.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Arb.O.P.No.14 of 2024

K.Kathiravan

... Petitioner

Versus

M/s.Tower Vision India Private Limited
AMG Tower, Basement
No.28, Lawyer Jagannathan Street
Alandur, Chennai – 600 016

... Respondent

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

For petitioner : Mr.C.Munusamy

For respondents : Mr.S.Dhakshnamoorthy

ORDER

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



2. Pursuant to the License Deed dated 20.01.2021 entered between the parties, it is the contention of the petitioner that as the dispute arose between the parties with regard to the damage to the petitioner's property, they are invoking arbitration.

3. The deed referred above makes it clear that in the event of any dispute between the parties, the same shall be referred to the arbitration as per clause 12(c) of the License Deed and clause 12(c) of the deed reads as follows:

“12

... (c) Dispute Resolution: Subject to applicable law, all dispute/differences relating to and/or arising out of this Deed and/or anything done in pursuance thereof shall be referred to a sole arbitrator to be appointed mutually by the Parties. The place of arbitration shall be at Chennai (the Circle office of the Licensee) and the arbitration proceedings shall be carried out in accordance with the provisions of the Arbitration and Conciliation Act, 1996 and/or any amendments thereof, and decision of the sole arbitrator shall be binding on the Parties.”



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4. The learned counsel for the respondent has not disputed with the arbitration clause.

5. Since, clause 12(c) of the License Deed provides for reference to the Arbitrator, this Court is inclined to appoint Mr.A.E.Ravichandran, Advocate, 186/294, Thambu Chetty Street, Chennai – 600 001, *Mobile No.94449 09278*, as the sole arbitrator. The sole arbitrator is called upon to enter upon 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.

26.03.2024

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

To

Mr.A.E.Ravichandran
186/294, Thambu Chetty Street
Chennai – 600 001
Mobile No.94449 09278



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N. SATHISH KUMAR, J.

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