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Arb.O.P. (Com.Div.) No.120 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2024

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

Arb.O.P.(Com.Div.)No.120 of 2024

and

O.A.No.1117 of 2023

M/s.Light Roofings Limited,
Rep by its Managing Director,
Mr.Mohammed Ansari,
No.114/3, Padmanabha Nagar 5th Street,
Adyar, Chennai – 600 020.

.. Petitioner

Vs.

Nebula Infraspaces LLP,
Represented by its Authorized Representative,
No.33, Amrapalash Bungalows,
Behind Fun Republic,
Ramdevnagar,
Ahmedabad.
Gujarat – 380 015.

.. Respondent

Prayer: Original Petition is filed under Section 11(6) of the Arbitration and Conciliation Act, 1996, as amended by the Arbitration and Conciliation Act, 2019, praying to appoint an Arbitrator, in terms of the Joint Development Agreement dated 03.10.2017 entered into between the petitioner and the respondent, for the purpose of adjudicating upon the disputes that have arisen between the applicant and the respondent and award costs of the present proceeding to the petitioner.



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For Petitioner : Mr.B.Arvind Srevasta

For Respondent : M/s.A.Asif Basha

ORDER

This Original Petition has been filed for appointment of an Arbitrator. The Original Application has been filed to pass an order of interim injunction restraining the respondent from acting upon or using the General Power of Attorney dated 03.01.2017 registered as Doc.No.9688/2017 with the SRO, Chengalpattu.

2. An interim order was secured by the applicant in O.A.No.1117 of 2023 on 22.12.2023, which has been extended from time to time.

3. The learned counsel for the respondent submits that he would require further time to file a formal vakalt in Arb.O.P.(Com.Div)No.120 of 2024.

4. Both the counsels however submit that the dispute is arbitrable and an Arbitrator has to be appointed.



5. Recording the submissions of the learned counsel for the applicant/petitioner and the learned counsel for the respondent, Court is inclined to appoint **Hon'ble Mr.Justice V.Ramasubramanian, Former Judge, Supreme Court, (Mobile No.:9618099696)** residing at **No.12, T.P.Scheme Road, R.A.Puram, Chennai – 600 028**, is appointed as an Arbitrator to enter upon reference and adjudicate / resolve the *inter se* dispute between the parties.

6. Since an interim order has been secured by the applicant on 22.12.2023, which has been extended from time to time, I am inclined to continue the Interim Order for a further period of 45 days from the date of receipt of a copy of this order. It is open for the applicant/petitioner to move suitable application under Section 17 of the Arbitration and Conciliation Act, 1996, before the learned Arbitrator for extending the interim order for a further period pending disposal of the arbitral proceedings.

7. 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.

8. The learned Arbitrator appointed herein shall be paid fees and other incidental charges as may be fixed with the consent of parties or in accordance with the provisions of the Arbitration and Conciliation Act, 1996, and the same shall be borne by the parties equally. In case, the respondent remain *ex parte*, the petitioner shall pay the entire fee and other incidental charges to the Arbitrator and later recover the same from the respondent.

9. The parties are at liberty to workout the venue for Arbitration at Chennai.

10. With the above observations, both petition and application are disposed of, leaving the parties to bear their own costs.



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

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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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