



Arb.O.P.(Comm.Div.) No.168 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on: 25.11.2024

Pronounced on: 29.11.2024

CORAM

THE HONOURABLE MR.JUSTICE P.B.BALAJI

Arb.O.P.(Comm.Div.) No.168 of 2024

SUN TV Network Limited,
Having Office at
Murasoli Maran Towers,
No.73, MRC Nagar Main Road,
MRC Nagar, Chennai – 600 028,
Tamil Nadu, India,
Represented by its Authorised Signatory,
Mr.M.Jyothi Basu

... Petitioner

VS.

Mr.Kasi Viswanatharaja Rammohan,
Proprietor, M/s.Kalpataru Pictures,
29A, Pandaram Street, Vadapalani
Chennai – 600 026.

... Respondent

PRAYER: Arbitration Original Petition filed under Sections 11 (4) & 11 (6) of the Arbitration and Conciliation Act, 1996, to appoint a sole arbitrator to adjudicate over the dispute arising out of the Assignment Agreement dated 25.09.2019 and Supplementary Agreement-2 dated 22.06.2023 between the Petitioner and the Respondent.



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Arb.O.P.(Comm.Div.) No.168 of 2024

For Petitioner : Mr.Keerthikiran Murali for
Mr.Arun C. Mohan

For Respondent : Not ready Notice.

ORDER

This Arbitration Original Petition has been filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 (hereinafter called as 'the Act') to appoint an Arbitrator in respect of the dispute arising out of alleged violation of the Assignment Agreement dated 25.09.2019 and Supplementary Agreement-2 dated 22.06.2023 between the petitioner and the respondent company.

2. I have heard Mr.Keerthikiran Murali, learned counsel for the petitioner and despite attempts to serve the respondent, notice remained unserved and by an order dated 25.10.2024, this Court had permitted the petitioner to effect substituted service for the respondent. In compliance with the same, the summons was affixed on the Court notice board and paper publication was also effected in one issue of Tamil daily viz., 'Makkal Kural' dated 03.11.2024. The respondent has not chosen to appear before



this Court despite the above attempts to serve the respondent. Therefore, the respondent is set exparte.

3. The learned counsel for the petitioner would take me through the assignment agreement dated 25.09.2019, Clause 31 -Dispute Resolution, the fact that the parties had agreed to refer to the disputes to Arbitration under the provisions of the Arbitration and Conciliation Act, 1996 and that such arbitration shall be held by a sole Arbitrator who shall be a retired District Judge or a retired High Court Judge. It is also agreed by the parties that the seat of Arbitration would be Chennai, Therefore, I am satisfied with the existence of Arbitration agreement between the parties.

4. The present Original Petition has been filed under Section 11 for appointment of the sole Arbitrator invoking the above referred Clause 31 in the assignment agreement. Accordingly, this Court is inclined to appoint a sole Arbitrator viz., **Mr.S.Baskaran, Retired District Judge, having address at Plot No.110, New No.15, First Floor, Godhavari Street, Chinmaya Nagar, Stage -1, Virugambakkam, Chennai – 600 092 (Cell:94435 69226)** as the Sole Arbitrator. The sole Arbitrator is directed to



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Arb.O.P.(Comm.Div.) No.168 of 2024

enter upon reference and adjudicate the dispute in accordance with law.

P.B.BALAJI, J.,

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5. 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.

6. Accordingly, this Arbitration Original Petition is allowed.

29.11.2024

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Index : Yes / No

Internet : Yes / No

Arb.O.P.(Comm.Div.) No.168 of 2024