



IN THE HIGH COURT OF JUDICATURE AT MADRAS

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**RESERVED ON
25.09.2024**

**PRONOUNCED ON
23.10.2024**

CORAM

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

Arb.O.P.(Comm.Div.) No.292 of 2024

And O.A.Nos.378 &379, 556 of 2024,

Arb.Appln.No.270 of 2024

M/s. Ocean Lifespaces India Private Limited,
Represented by its Managing Director,
Mr.Sylvanus King Peter,
No.MF-1, Industrial Estate, CIPET Hostel Road,
Guindy, Chennai- 600 032. ... Petitioner

-VS-

M/s. Big Dreams Constructions Private Limited,
Represented by its Director,
Mr.T.Praveen Kumar,
No.1, 54th Street, Ashok Nagar,
Chennai- 600 083. ... Respondent

PRAYER: Arbitration Original Petition filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 seeking for the following reliefs:-

a) Appoint a Sole Arbitrator to adjudicate the disputes between the Petitioner and the Respondent in terms of work order No.CPCL/WO/22-23/0009 dated 11.06.2022 and as per the terms and conditions of the procurement policy of the Petitioner company reference No:OLIPL/PRD-PP/01;

b) Direct the respondent to pay costs and

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c) Grant such further reliefs as this Hon'ble Court may deem fit under the circumstances of the case and thus render justice.

For Petitioner in : Mr.V.Prakash Senior Counsel
Assisted by Mr.S.Kamalakaran
For Mr.K.Jayasudha for Petitioner in
O.A.Nos.378 & 379 of 2024 in
O.P.Nos.292 of 2024 & Arb.Appln
No.270 of 2024 & respondent in
O.A.No.556 of 2024

For Respondent : Mr.Sricharan Rangarajan Senior
Counsel
for V.Prasanth Kumar in O.A.Nos.378
& 379 of 2024 in
O.P.Nos.292 of 2024 & Arb.Appln
No.270 of 2024 & Petitioner in
O.A.No.556 of 2024

ORDER

This O.P. had been filed seeking for an appointment of an Arbitrator to resolve the dispute that had arisen between the parties pursuant to the sub-contract agreement dated 11.06.2022 and the work order dated 11.06.2022.

2. Heard V.Prakash, Senior Counsel, appearing for Mr.K.Jayasudha the learned counsel appearing for petitioner in O.A.Nos.378 & 379 of 2024 in O.P.Nos.292 of 2024 & Arb.Appln No.270 of 2024 and



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respondent in O.A.No.556 of 2024 and Mr.Sricharan Rangarajan Senior Counsel appearing for Mr.V.Prasanth Kumar, learned counsel appearing for respondents and petitioner in O.A.No.556 of 2024.

3. The petitioner had filed the O.A.Nos.378 & 379 of 2024 and the Arb.Appln.No.270 of 2024 for a similar relief the respondent also approached this Court by filing O.A.No.556 of 2024. It is to be noted that in O.A.Nos.378 & 379 of 2024, this Court had granted interim orders as prayed for.

4. A counter had been filed by the respondent in O.P. indicating that the respondent, even though, had initially objected to the reference of the dispute to the arbitration, had consented to referring the disputes between the parties including the respondents claim.

5. In view of the specific consent as averred in the counter affidavit filed in the applications, I am inclined to appoint a sole Arbitrator for entering upon the reference of the dispute that had arisen between the parties. The parties are at liberty to make their claims/ counter claims that arise out of the agreement and the Work Contract dated 11.06.2022.



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6. In such circumstances, this Court appoints **Hon'ble Mr. Justice N. Kirubakaran, Former Judge of this Court residing at No.36, 2nd Cross Street, Rayala Nagar, Ramapuram, Chennai – 600 089** as Sole Arbitrator to enter upon the dispute between the petitioner and the respondent.

7. The sole Arbitrator shall take a decision on the said application. The interim injunction granted by this Court in O.A.Nos. 378 & 379 of 2024 on 24.05.2024 shall continue till such applications are made before the learned sole Arbitrator and when such applications are made before the learned sole Arbitrator, he is at liberty to vary or modify the said order.

8. The learned Sole Arbitrator is entitled to fix his fees as per the Schedule-IV to the Act. This Court further requests the learned Sole Arbitrator to endeavour to decide the dispute as expeditiously as possible.

9. Accordingly, this Arbitration Original Petition is ordered. The parties are at liberty to take out appropriate application under Section 17 of the Act. Such applications shall be taken within a period of two weeks from the date on which the learned sole Arbitrator enters reference. The interim order dated 24.05.2024 which had been continued till the date of this order shall continued to be in force till the learned Arbitrator takes up for hearing of such Section 17 Applications. The learned Arbitrator is at liberty to



extend, modify or vary the said interim orders.

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10. Accordingly, this O.P. is allowed and the applications are disposed on the terms indicated above.

Gba

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Index :Yes/No

Speaking Order/Non Speaking Order



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K.KUMARESH BABU, J.

Gba

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