



Arb.OP(Com.Div.)No.360 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 28.10.2024

Coram:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Arb.OP(Com.Div.) No.360 of 2024

M/s.Trident Arts,
Represented by its Sole Proprietor,
R.Ravindran
Having office at No.1C & 1D,
Hari Mansion, JP Avenue,
Dr.Radhakrishnan Road, Mylapore,
Chennai 600 004

.. Petitioner

/versus/

Vishal Krishna

... Respondent

Prayer: Original Petition is filed under Section 11 of the Arbitration and Conciliation Act, 1996, seeking to appoint an arbitrator, preferably a retired Judge of this Court to decide the disputes that have arisen between the petitioner and the respondent.

For Petitioner : Mr.Vijayan Subramanian

For Respondent : No appearance

ORDER

This petition is filed under Section 11 of the Arbitration and Conciliation Act, 1996, seeking to appoint an arbitrator, preferably a retired Judge of this Court to decide the disputes that have arisen between the petitioner and the respondent.



2. The petitioner states that the petitioner is a renowned film production and distribution company based in Chennai and the petitioner decided to produce the movie named “Action”. The petitioner and the respondent entered into a memorandum of understanding dated 07.06.2019. The film was released on 15.09.2019. As per clause 1 of the MOU, the respondent had assured that excess cost of Rs.4 crores can be recovered by the petitioner from the theatrical exploitation of the film 'Acton'. As per clause 2 of the MOU, the respondent had agreed that in case if the petitioner cannot collect Rs.20,00,00,000/-, the shortage amount shall be paid by the respondent within 30 days, which was not complied with. Therefore, the petitioner filed OA.No.434 of 2019 and by order dated 15.10.2020, this Court ordered that the respondent shall furnish security of Rs.4,00,00,000/- within a period of two weeks. However, till now, Rs.4 crores was not furnished till date. Therefore, the petitioner has filed this petition. The relevant clause in the MOU dated 07.06.2019 is set out below:-

“ If any dispute arises between the parties on the terms and conditions of the MOU, the same shall be referred to the Arbitration and decision of the arbitrator shall be binding by the parties to this MOU”

3. Though notice was served on the respondent, neither the respondent has



engaged any counsel to appear before this Court on behalf of him nor the respondent appeared before this Court in person today.

4. On perusal of relevant clause in the MOU dated 07.06.2019, it is evident that the disputes are required to be resolved through arbitration. The petitioner has also duly invoked the arbitration clause. In view of the failure of the respondent to respond thereto, the Arbitral Tribunal is required to be constituted in accordance with Section 11 of the Arbitration Act.

5. Therefore, this Court is inclined to appoint an arbitrator. Accordingly, this petition is allowed by appointing the Hon'ble Mr.Justice V.Bharathidasan, former Judge of the Madras High Court residing at No.22, 2-45, 2nd Main Road, Kamarajar Nagar, Thiruvanmiyur, Chennai 600 041 (email-dasanvb@gmail.com) as the Sole Arbitrator. The sole Arbitrator is directed to enter upon reference and adjudicate the dispute in accordance with law. It is open to the Sole Arbitrator to fix his fees and expenses in relation to the arbitral proceedings.

28.10.2024

Neutral citation: Yes/no
Index : Yes/No
Speaking/Non Speaking
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G.K.ILANTHIRAIYAN, J.



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