



WEB COPY

A.No.5116 of 2024
in
O.A. No.336 of 2024

G.K. ILANTHIRAIYAN.J.,

This application has been filed to substitute another arbitrator in the place of Mr. Justice. T.Raja (Retd.), former acting Chief Justice, Madras High Court, who was appointed as sole arbitrator to adjudicate the disputes pending between the parties.

2. The respondent is the owner of the property ad-measuring to an extent of 5.7 acres in Survey Nos.154, 155/1, 155/2, 155/3, 155/4, 166/1, 166/2A and 166/2B situated at Kollapakkam Village, Sriperumbudur Taluk, Kancheepuram District. The respondent intended to develop the said property and approached the applicant for promotion and construction of buildings. The applicant had accepted the offer of the respondent and entered into a joint development agreement dated 26.09.2014. As per the agreement, the applicant had to construct 142 villas at their own cost and the constructed areas had to be shared at the ratio of 51:49 by the respondent and the applicant respectively. However, there is a dispute between the parties and as such the applicant approached this Court for



appointment of an arbitrator by invoking the arbitration clause as contained in the joint development agreement.

3. This Court by its order dated 27.06.2024 passed in O.A.No.336 of 2024 appointed Mr.Justice T.Raja, former acting Chief Justice, Madras High Court as a sole arbitrator to adjudicate the dispute between the applicant and the respondent. However, he recuses to take up the arbitration since he has other commitment. Therefore, the applicant filed this application for substitution of arbitrator. Counsel for the respondent also has no objection to substitute the arbitrator in the place of Mr.Justice T.Raja.

4. In view of the above, this application is allowed by appointing Mr.Justice S. Rajeswaran (Retd.), High Court as the sole arbitrator to adjudicate the dispute between the parties in accordance with law. It is open to the arbitrator to fix his fees and expenses in accordance with law in relation to the arbitration proceedings.

03.10.2024

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