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Arb.O.P. (Com.Div.) No.595 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2024

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

Arb.O.P.(Com.Div.)No.595 of 2023

LIBRA Productions Private Limited,
Rep by its Managing Director,
C Ravindhar,
No.73/61, 12th Avenue,
Ashok Nagar,
Chennai – 600 083.

.. Petitioner

Vs.

Madhav Media Private Limited,
Rep by its Managing Director,
No.63, A V Krishnasami Street,
Janaki Nagar, Valasaravakkam,
Chennai – 600 087.

.. Respondent

Prayer: Original Petition is filed under Section 11(5) of the Arbitration and Conciliation Act, 1996, praying to grant an order appointing a sole Arbitrator to conduct the arbitration proceedings for resolution of the dispute between the Petitioner and the Respondent under the Investment Agreement dated 17.09.2023.

For Petitioner : Mr.M.Velmurugan

For Respondent : Mr.P.Anbazhagan



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ORDER

This petition has been filed under Section 11(5) of the Arbitration and Conciliation Act, 1996 for appointing a sole Arbitrator to conduct the arbitration proceedings for resolution of the dispute between the Petitioner and the Respondent under the Investment Agreement dated 17.09.2023.

2.The dispute between the parties are arbitrable under the Investment Agreement dated 17.09.2023. Relevant Clause reads as under:

“3.7. Any dispute arising out of this Agreement shall be resolved as per the prevailing Arbitration Act.”

3. Both the parties consent for appointment of **Hon'ble Mr.Justice D.Murugesan, Former Chief Justice, High Court of Delhi**, as an Arbitrator to resolve the dispute between the parties.

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



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5. The Court is inclined to pass the following order:-

(i) **Hon'ble Mr.Justice D.Murugesan, Former Chief Justice, High Court of Delhi, (Mobile No.:8826253366) residing at No.11A, M.D.Sitaraman Avenue, 7th Cross Street, Injambakkam, Chennai – 600 115,** is appointed as an Arbitrator to enter upon reference and adjudicate / resolve the *inter se* dispute between the parties.

(ii) 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.

(iii) 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.

6. The Original Petition is allowed with the above observations, leaving the parties to bear their own costs.

7. 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.

06.02.2024

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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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