



O.S.A (CAD) No.76 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **13.08.2025**

CORAM

THE HONOURABLE MR.JUSTICE **M.SUNDAR**

and

THE HONOURABLE MR.JUSTICE **HEMANT CHANDANGOUDAR**

O.S.A (CAD) No.76 of 2025

&

C.M.P.No.16735 of 2025

in

O.S.A (CAD) No.76 of 2025

Paramount Group Pvt. Ltd.,
Represented by its Director C.D.Vivekanandan
24, Ponnamman Koil Street
Saligramam
Chennai - 600 093

... Appellant

Vs.

1.M/s.Land Marvel Homes
Reg.Partnership Firm
Rep. by its Managing Partner Mr.M.Veerashekar
Having its Office at No.63
LB Road, Adyar, Chennai - 600 020

2. Mr.Veerashekar

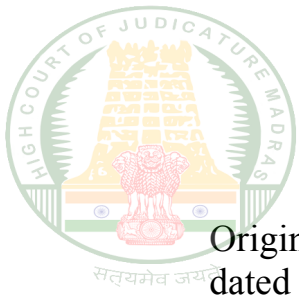
3. Palaniappan

4. M.Arivazhagan

5. Vinayarajar

.. Respondents

Original Side Appeal filed under Order XXXVI Rule 1 of



O.S.A (CAD) No.76 of 2025

Original Side Rules read with Clause 15 of Letter Patent against the order dated 17.03.2025 passed by this Court in Application No.468 of 2025 in Application No.1152 of 2024 in Arb.O.P.No.636 of 2012.

For Appellant : Mr.P.V.Balasubramaniam
Senior counsel
for Ms.Rubina

For Respondent : Mr.K.V.Babu
for Ms.Inthu Karunakaran

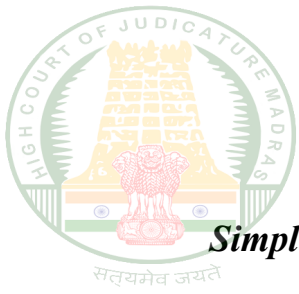
JUDGMENT

(Judgment of the Court was delivered by **M.SUNDAR, J.**)

Captioned intra-court appeal has been filed under Clause 15 of Letters Patent assailing an 'order dated 17.03.2025 made by a Hon'ble single Judge in A.No.468 of 2025 in Arb.O.P.No.636 of 2012' [hereinafter 'impugned order' for the sake of convenience and clarity].

2. Arb.O.P.No.636 of 2012 is a petition under Section 11 of 'The Arbitration and Conciliation Act, 1996 (Act No.26 of 1996)' [hereinafter 'A and C Act' for the sake of brevity] for appointment of Arbitrator. A.No.468 of 2025 has been taken out under Section 15 of A and C Act. A.No.468 of 2025 which has been taken out under Section 15 of A and C Act has been dismissed vide the impugned order by the Hon'ble single Judge.

3. In the light of law laid down by Hon'ble Supreme Court in



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Simplex Infrastructure case [**Simplex Infrastructure Ltd. Vs. Union of**

India reported in **2018 SCC OnLine SC 2681**], there is no scope to contend that Letters Patent remedy is available in relation to matters akin to impugned order.

4. Absent Letters Patent remedy, captioned intra-court appeal, if at all and if that be so, can be construed only to be one under Section 37 of A and C Act.

5. Mr.P.V.Balasubramaniam, learned Senior counsel, faced with the above situation, considering the language in which Section 37 of A and C Act is couched and **Kandla** principle [**Kandla Export Corporation and Another Vs. OCI Corporation and Another** reported in **(2018) 14 SCC 715**], made a request to relegate the appellant to Section 16 before the 'Arbitral Tribunal' ['AT' for the sake of brevity].

6. Mr.K.V.Babu, learned counsel for respondent adverting to 06.03.2025 proceedings before Hon'ble single Judge, which has been adverted to in the impugned order, submitted that such an opportunity was given to the appellant by the Section 34 Court.

7. As the aforesaid opportunity was not utilized by the appellant, we are of the considered view that the same cannot come in the way of appellant resorting to Section 16 of A and C Act.



O.S.A (CAD) No.76 of 2025

8. Leaving open the maintainability question qua Section 37, in

the light of the fair request made by Mr.P.V.Balasubramaniam, learned senior counsel, we preserve the rights of the appellant to move an application under Section 16 of A and C Act and add that if an application under Section 16 is moved before AT, the same shall be considered on its own merits and in accordance with law by the Hon'ble AT untrammelled by instant proceedings before this Division Bench and the order of Section 15 Court.

Captioned OSA disposed of as closed in the aforesaid manner. Consequently, connected civil miscellaneous petition is closed. There shall be no order as to costs.

(M.S.,J.) (H.C.,J.)
13.08.2025

Index: Yes/No
Neutral Citation: Yes/No
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O.S.A (CAD) No.76 of 2025

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O.S.A (CAD) No.76 of 2025

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