



WEB COPY



Arbitration Original Petition (Com.Div.) No.459 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.12.2025

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Arbitration Original Petition (Com.Div.) No.459 of 2025

M/s.Saagar Foundations Pvt. Ltd.,
represented by its Managing Director,
R.Krishnamoorthy,
No.1, Wheat Craft Road, Gee Gee Plaza,
First Floor, Nungambakkam,
Chennai – 600 034.

.... Petitioner

Vs.

D.Shankar
S/o.N.Dhorai Pandiyan

.... Respondent

Arbitration Original Petition (Com.Div.) filed under Section 11(6) of the Arbitration and Conciliation Act, 1996, praying to appoint an Arbitrator to adjudicate the disputes between the petitioner and the respondent in terms of the Joint Development Agreement dated 07.10.2015.

For Petitioner : Mr.J.Pothiraj
For Respondent : Ms.Umayal Muthaiah
for Mr.K.K.Sivashanmugam

ORDER



WEB COPY

This petition has been filed under Section 11 (6) of the Arbitration and Conciliation Act, 1996 [for brevity 'the Act'] for appointment of an arbitral tribunal as per the Joint Development Agreement dated 07.10.2015.

2. The petition came up for hearing on 05.08.2025 and this Court passed the following order:

“This petition has been filed under Section 11 of the Arbitration and Conciliation Act, seeking for appointment of an arbitrator by this Court.

2. There seems to be a dispute between the petitioner and the respondent, arising out of the Joint Development Agreement dated 07.10.2015. In the said agreement, there exists an arbitration clause, which is extracted hereunder:

" All disputes arising out of the or in connection with this agreement, shall be resolved by mutual discussion between the parties, failing which such disputes shall be referred for arbitration to two arbitrators, one to be appointed by each party. The arbitrators shall appoint an umpire before entering upon the reference. The decision of the arbitrators or if the arbitrators are not agreeing for an award, the decision of the umpire, as the case may be shall be final and binding on the parties. The arbitrators shall be governed by the Indian Arbitration Act, 1940 and statutory modification,



1996"

WEB COPY

3. The petitioner has invoked arbitration in accordance with the arbitration clause by issuing notice to the respondent on 03.04.2025 to comply with the requirements of Section 21 of the Arbitration and Conciliation Act, 1996. No reply has been received for the same.

4. Since there exists an arbitration clause in the contract, which is the subject matter of the dispute between the parties and since the petitioner has invoked arbitration in accordance with the arbitration clause by complying with the requirements of Section 21 of the Arbitration and Conciliation Act, 1996 and since there is no consensus between the parties with regard to the name of the arbitrator, this Court is issuing notice to the respondent, returnable by 26.08.2025. Private notice is also permitted."

3. Pursuant to the above order, notice has been served on the respondent and they are represented through counsel.

4. Heard Mr.J.Pothiraj, learned counsel for petitioner and Ms.Umayal Muthaiah, learned counsel for respondent.

5. There is a valid agreement between the parties in line with



Arbitration Original Petition (Com.Div.) No.459 of 2025

Section 7 of the Act and the agreement provides for arbitration clause. As

per the arbitration clause, each party has to nominate an arbitrator and both those arbitrators will appoint a Presiding Arbitrator. This Court brought to the notice of learned counsel on either side that having a three member Arbitral Tribunal will entail more cost to the parties and hence, this Court suggested that a sole arbitrator can be appointed by considering the nature of dispute between the parties. Both learned counsel agreed to the said submission.

6. In view of the above, this Court is inclined to proceed further and appoint Sole Arbitrator and refer the dispute between the petitioner and the respondent to the Sole Arbitrator, which will be dealt with on its own merits and in accordance with law.

N.ANAND VENKATESH, J.

gm

7. In the light of the above discussion, this Court appoints



Arbitration Original Petition (Com.Div.) No.459 of 2025

Mr.P.V.S.Giridhar, Senior Advocate, No.319, Linghi Chetty Street, III

Floor, George Town, Chennai – 600 001, as the sole Arbitrator and the sole Arbitrator is requested to adjudicate the arbitral disputes that had arisen between the parties and render arbitral award by holding sittings in the 'Madras High Court Arbitration Centre under the aegis of this Court' (MHCAC) as per Madras High Court Arbitration Proceedings Rules 2017 and fee of sole Arbitrator shall be in accordance with the Madras High Court Arbitration Centre (MHCAC) (Administrative Cost and Arbitrator's Fees) Rules 2017.

Accordingly, this petition is disposed of.

01.12.2025

Index:yes/no

NCC:yes/no

Speaking order/Non-speaking order

gm

Arbitration Original Petition (Com.Div.) No.459 of 2025