



Arb.O.P.(Comm.Div.) No.455 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Dated: 07.01.2025

CORAM

THE HONOURABLE MR.JUSTICE P.B.BALAJI

Arb.O.P.(Comm.Div.) No.455 of 2024

1.Dr.Riyaz Mohammed
14/71 Mir Bakshi Ali Street,
Royapettah, Chennai-600 014.
Presently at
Flat 5B, 5th Floor,
Asha Deep Apartment,
#13 Tamil Salai,
Egmore, Chennai-600 008.

2.Dr.Farook Ahmed
#1205 RWD Atlantis, 12th Floor,
Nelson Manickam Road,
Chennai-600 029

... Petitioners

VS.

1.EKA Hospitality Pvt Ltd.,
Rep. by its Director,
Jayakannan Perumal Swamy
CTS 46/1, Shop No.209,
Vinayak Arcade, B.P.Road,
Akurdi, Pune-411035.

2. Ms.P.Muthu Selvi
Director EKA Hospitality Pvt Ltd
L106, Sapphire Park, Park Street,
Kalewadi Phata, Wakad,
Pune – 411957



Arb.O.P.(Comm.Div.) No.455 of 2024

3. Pradip Kunar Padmasan Menon,
Director EKA Hospitality Pvt Ltd.,
#403, 4th Floor, Eros
G.B.Road, Hiranandani Estate,
Thane (W),
Mumbai-400 607.

4. Ms.Madhuri Pradeep Menon
Director EKA Hospitality Pvt Ltd
#403, 4th Floor, Eros
G.B.Road, Hiranandani Estate,
Thane (W),
Mumbai-400 607.

... Respondents

PRAYER: Arbitration Original Petition filed under Section 11 (6) of the Arbitration and Conciliation Act, 1996, to appoint a sole arbitrator to adjudicate over the dispute arising out of the Joint Development Agreement dated 16.12.2022 between the Petitioner and the Respondents.

For Petitioners : Mr.M.K.Kabir
Senior Counsel
For Mr.T.Jayaraman

For Respondents : Mr.K.M.Vivekanandan

ORDER

This Arbitration Original Petition has been filed under Section 11 (6) of the Arbitration and Conciliation Act, 1996 (hereinafter called as 'the Act') to appoint an Arbitrator in respect of the dispute arising out of alleged violation of the Joint Development Agreement dated 16.12.2022 between the petitioner and



the respondent company.

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2. I have heard Mr.M.K.Kabir, learned Senior counsel for the petitioners and Mr.K.M.Vivekanandan, learned counsel for the respondents.

3. I have gone through the affidavit and also the supporting documents.

4. The present Original Petition has been filed under Section 11 (6) for appointment of the sole Arbitrator in respect of the dispute arising out of alleged violation of the Joint Development Agreement dated 16.12.2022. The parties had agreed to refer the disputes to Arbitration under the provisions of the Arbitration and Conciliation Act, 1996. Though the arbitration clause contemplates appointment of three Arbitrators, considering the scope of the dispute between the parties, both the learned counsel for the petitioner as well as the respondent submitted that it would be suffice if a sole Arbitrator is appointed. Accordingly, by consent of both sides, this Court is inclined to appoint a sole Arbitrator viz., **Mr.Sathya Rao, Advocate, Flat No.F.11, Lakshmi Nivas, New No.11, Old No.12-A, Ganga Nagar, Kodambakkam, Chennai-600 024 (Cell No.9176073237)** as the Sole Arbitrator. The sole Arbitrator is directed to enter upon reference and adjudicate the dispute in accordance with law.



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Arb.O.P.(Comm.Div.) No.455 of 2024

P.B.BALAJI, J.,

sr

5. The learned Arbitrator is entitled to fix his fees as per the Schedule-IV to the Act. This Court further requests the learned Arbitrator to endeavor to decide the dispute as expeditiously as possible, however, not later than twelve (12) months from the date of his entering into reference.

6. Accordingly, this Arbitration Original Petition is allowed. No costs.

07.01.2025

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Index : Yes / No

Internet : Yes / No

Arb.O.P.(Com.Div.)No.455 of 2024