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Arb. O.P. (Com. Div.) No.561 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.02.2025

CORAM

THE HON'BLE Mr. JUSTICE ABDUL QUDDHOSE

Arb.O.P (Com.Div.) No.561 of 2024

1. Lodd Ramgopal,

2. Sapna Ramgopal

... Petitioners

Vs.

1. Amrit Mohan Mehta,

No. 69, Pachaiyappa's College Hostel Road,

Chetpet, Chennai 600 031.

2. Dr. Preeti Mehta,

Son of Mr. Amrit Mohan Mehta,

No. 69, Pachaiyappa's College Hostel Road,

Chetpet, Chennai 600 031.

... Respondents

Prayer : Arbitration Original Petition (Commercial Division) filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 read with Rule 2 of the appointment of Arbitrators of the Madras High Court Scheme, 1996 to appoint an Arbitrator as per terms set out in Section 11(6)(a) of the Arbitration and Conciliation Act, 1996 to decide the dispute between the petitioners and respondents arising out of Joint Development Agreement, dated 09.05.2016.

For Petitioners

: Mr.Hari Krishnan



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For Respondents : Mr. A. A. Vinu Radha

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ORDER

This petition has been filed under Section 11 of the Arbitration and Conciliation Act, 1996, seeking for appointment of an arbitrator by this Court.

2. There seems to be a dispute between the parties arising out of a Joint Development Agreement, dated 09.05.2016 entered into between the petitioners and Mrs. Maisie Mehta. The respondents are the Legal Representatives of the deceased Maisie Mehta. There exists an arbitration clause in the Joint Development Agreement, dated 09.05.2016 and the same is extracted hereunder :-

Any difference or dispute between the parties hereto shall be referred to Arbitration in accordance as per the provisions of the Arbitration and Conciliation Act, 1996 to a Sole Arbitrator nominated by the OWNER and this Agreement is subject to jurisdiction of Chennai Courts.

3. The petitioner has invoked the arbitration as per the arbitration clause by issuing a notice to the respondents on 15.05.2024 in compliance with Section 21 of the Arbitration and Conciliation Act, 1996. A reply has also been sent by the respondents to the petitioner on 03.06.2024. Since there is no consensus between the parties with regard



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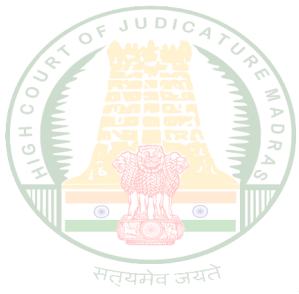
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to the name of the arbitrator, the petitioner has been constrained to file this petition under Section 11 of the Arbitration and Conciliation Act, 1996 seeking for appointment of an arbitrator by this Court.

4. The learned counsel for the respondents on instructions would submit that there exists an arbitration clause in the Joint Development Agreement, dated 09.05.2016, which is the subject matter of the dispute between the parties.

5. Since there exists an arbitration clause in the Joint Development Agreement, dated 09.05.2016, which is the subject matter of the dispute between the petitioner and the respondents and since the petitioner has complied with the statutory requirements of issuing notice to the respondents on 15.05.2024 as per the provisions of Section 21 of the Arbitration and Conciliation Act and since there is no consensus between the parties with regard to the name of the arbitrator, this Court will have to necessarily appoint an arbitrator under Section 11 of the Arbitration and Conciliation Act, 1996.

6. For the foregoing reasons, this Arbitration Original Petition is allowed as prayed for by issuing the following directions :-



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a) This Court appoints Mr.R.Ravindra Bose (District Judge(Retd.), residing at No.W-306, 20th Street, C-Sector, Anna Nagar, West Extension, Chennai – 600 101, (Mobile No.9445603503) as the sole Arbitrator to adjudicate the dispute between the parties arising out of the Joint Development Agreement, dated 09.05.2016.

(b) The Arbitrator shall be paid his remuneration / fees in accordance with the 4th schedule of the Arbitration and Conciliation Act, 1996.

(c) Both the parties shall equally share the arbitrator's fees.

(d) The Arbitrator shall conduct the arbitration in accordance with the provisions of the Arbitration and Conciliation Act, 1996 and shall complete the arbitration within the specified time as prescribed under the said Act.

24.02.2025

Index: Yes/ No
Speaking order / Non speaking order
Neutral citation : Yes / No
vsi2

ABDUL QUDDHOSE, J.



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