



Arb.O.P.(Comm.Div.) No.587 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON :28.01.2025

DELIVERED ON: 31.01.2025

CORAM

THE HONOURABLE **MR.JUSTICE P.B.BALAJI**

Arb.O.P.(Comm.Div.) No.587 of 2024

Anantha Thai Spa,
Represented by Mrs.Anandi Narayanan,
W/o. Mani Narayanan,
Sai Surya Apartments,
Flat 1B, E-Wing,
Kamakoti Nagar,
3rd Main Road,
Pallikaranai,
Chennai-600 1001.

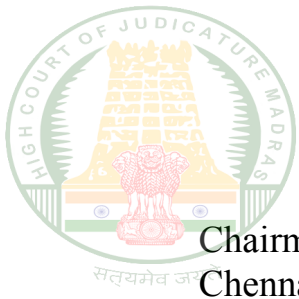
now residing at
Rajiv Gandhi Road,
(Old Mahabalipuram Road),
Plot No.172-173, Chandrasekaran Avenue,
Thoraipakkam,
Chennai-600 097.

... Petitioner

VS.

1.K.C.Jayabalan.
New No.113, Kutchery Road,
Mylapore, Chennai-600 004.

2. Anurag Jain I.A.S.,,



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WEB CO

Chairman

Chennai Metro Rail Limited,
No.327, Anna Salai,
Rathna Nagar,
Nandanam,
Chennai-600 035.

3. M.A.Siddique I.A.S.,
Managing Director,
Chennai Metro Rail Limited,
No.327, Anna Salai,
Rathna Nagar, Nandanam,
Chennai-600 035.

4. T.Udhayachandran I.A.S.,
Principal Secretary to Government,
Chennai Metro Rail Limited,
No.327, Anna Salai,
Rathna Nagar, Nandanam,
Chennai-600 035.

... Respondents

PRAYER: Arbitration Original Petition filed under Sections 11 (6) of the Arbitration and Conciliation Act, 1996, to appoint a sole arbitrator to adjudicate over the dispute arising out of Lease Agreement dated 05.08.2019 between the Petitioner and the Respondents.

For Petitioner : Mr.S.Saravanan

For Respondents : Mr.R.Chandrasekaran
For R.1
Mr.Kishore Bala Subramanian
For R.2 to R.4



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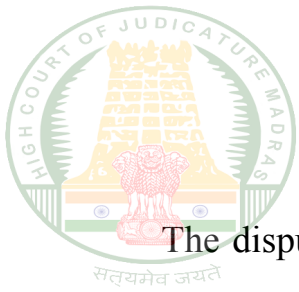
ORDER

WEB COPY 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 Lease Agreement dated 05.08.2019 between the Petitioner and the Respondents.

2. Heard Mr.S.Saravanan, learned counsel for the petitioner and Mr.R.Chandrasekaran, learned counsel for the first respondent and Mr.Kishore Bala Subramanian, learned counsel for the respondents 2 to 4. I have gone through the documents, filed in support of the application filed under Section 11 of the Arbitration and Conciliation Act, 1996.

3. The dispute arises under the Lease Agreement dated 05.08.2019 which contains a valid and arbitration agreement between the petitioner and the first respondent. However, the petitioner has chosen to implead the respondents 2 to 4 as parties to this proceedings.

4. Admittedly, the respondents 2 to 4 are neither proper nor necessary parties to adjudicate the dispute between the petitioner and the first respondent.



The dispute relates to landlord-tenant issues and therefore, as rightly pointed out

by the learned counsel for the respondents 2 to 4, I am not inclined to entertain the petition as against the respondents 2 to 4, who are totally unnecessary to this *lis*.

5. Insofar as the first respondent, the contract entered with the petitioner will bind the first respondent. The first respondent also does not dispute the existence of the valid arbitration agreement. The several contentions that have been raised by the first respondent are all touching the merits of the dispute which can always be agitated before the Arbitrator and not at this stage of appointment of Arbitrator.

6. I have also gone through the Lease agreement dated 05.08.2019 which contains a valid Arbitration Clause. Section 21 Notice has also been issued. Therefore, there is no impediment for appointment of Arbitrator to enable the parties to resolve the dispute before the Arbitrator.

7. Accordingly, this Court is inclined to appoint a sole Arbitrator viz., Mr.M.Balachander, Advocate, No.17A/29, Splendens Rudra, First Floor, 4th Main Road, R.A.Puram, Chennai-28 (Mobile No.9841045923) as the Sole Arbitrator.



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The sole Arbitrator is directed to enter upon reference and adjudicate the dispute

in accordance with law.

8. 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 six (6) months from the date of his entering into reference.

9. Accordingly, this Arbitration Original Petition is allowed as against the first respondent and dismissed as against the respondents 2 to 4.

31.01.2025

sr

Index : Yes / No

Internet : Yes / No



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P.B.BALAJI,J.,

SR

Pre-Delivery Order in

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