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Arb.O.P (Com.Div.) Nos.572 and 573 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.02.2025

CORAM

THE HON'BLE Mr. JUSTICE ABDUL QUDDHOSE

Arb.O.P (Com.Div.) Nos.572 and 573 of 2024

Mr. Rahul Harilal Pipaliya,
Proprietor,
M/s Shreeji Interiors

.. Petitioner in both petitions

vs.

M/s Broadway Megaaplex Private Limited,
Represented by its Managing Director,
Mr. VRR Satish Kumar,
No. 96, Broadway Megaaplex
Off Avinashi Road, Aerodrome Post,
Coimbatore-641014.

.. Respondent in both petitions

Prayer in Arb. O.P. (Com. Div.) No.572 of 2024 : Arbitration Original Petitions (Commercial Division) filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 for the following reliefs :-

a. This Hon'ble Court be pleased to appoint a Sole Arbitrator to enter reference relating to the disputes which have arisen between the Parties herein in connection with the LOI dated 10.06.2022 and conduct arbitration proceedings and to pass award and pass such further or other orders and thus render justice; and

b. For Costs;



Arb.O.P (Com.Div.) Nos.572 and 573 of 2024

Prayer in Arb. O.P. (Com. Div.) No.573 of 2024 : Arbitration Original Petitions (Commercial Division) filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 for the following reliefs :-

a. This Hon'ble Court be pleased to appoint a Sole Arbitrator to enter reference relating to the disputes which have arisen between the Parties herein in connection with the Agreement for Public Area Interior Works dated 04.08.2022 and conduct arbitration proceedings and to pass award and pass such further or other orders and thus render justice;

b. For Costs

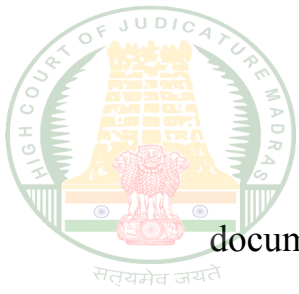
For petitioner in both petitions : Mr.M. Roshan Atiq

For respondent in both petitions : Mr.Pranav V. Shankar
for Mr. VidyaShankar V

COMMON ORDER

These petitions have been filed under Section 11 of the Arbitration and Conciliation Act, 1996, seeking for appointment of an arbitrator by this Court.

2. A joint Memo has been filed by both the counsels on instructions. As seen from the joint Memo, the parties have jointly agreed for the appointment of Senior Advocate Mr.Murari Raghavan as the sole arbitrator to adjudicate the dispute between the petitioner and the respondent arising out of the Letter of Intent, dated 10.06.2022, tender



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documents and Clause 58 of the Agreement for Public Area Interior Works dated 04.08.2022. However, in the said Memo, both the parties have stated that they have given a joint consent for the appointment of Senior Advocate Mr.Murari Raghavan as the sole arbitrator, without prejudice to the rights and contentions of the respective parties to the dispute by leaving all contentions, claims, counter claims including challenge to jurisdiction and arbitrability, maintainability of Part B claims before the Arbitral Tribunal.

3. In terms of the joint Memo, dated 19.02.2025 signed by both the counsels on instructions, this Court appoints Senior Advocate, Mr.Murari Raghavan as the sole arbitrator to adjudicate the dispute between the petitioner and the respondent arising out of the Letter of Intent, dated 10.06.2022, tender documents and Clause 58 of the Agreement for Public Area Interior Works dated 04.08.2022. It is made clear that the aforesaid consent given by both the parties is without prejudice to their rights and contentions, leaving all issues open for them to raise before the sole arbitrator appointed by this Court, by mutual consent.

4. 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. Murari Raghavan, the Senior Advocate, having his office at New No.31, Masilamani Road, Royapettah, Chennai – 600 014 as the sole Arbitrator to adjudicate the dispute between the parties arising out of the Letter of Intent, dated 10.06.2022, tender documents and Clause 58 of the Agreement for Public Area Interior Works dated 04.08.2022

(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.

20.02.2025

Index: Yes/ No
Speaking order / Non speaking order
Neutral citation : Yes / No
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ABDUL QUDDHOSE, J.

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