



Arb.O.P.(Com.Div.) No.43 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.02.2026

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Arb.O.P.(Com.Div.) No.43 of 2026

1.M.Neelagiri
2.M.Kannappan
3.N.Sundaram
4.K.Kannan
5.R.Sadasivam
6.A.Jayaprakash
7.A.Harilal

.... Petitioners

Vs.

M/s.Annai Builders Real Estates Private Limited,
represented by Managing Director,
Mr.T.Narayanan,
S/o.T.Thanushkodi,
No.76 and 158, Medavakkam Main Road,
Madipakkam, Chennai – 600 091.

.... Respondent

PRAYER

Arbitration Original Petition (Commercial Division) filed under Section 11(6) of the Arbitration and Conciliation Act, 1996, seeking to appoint a Sole Arbitrator to adjudicate the dispute raised by petitioners and existing between the petitioners and the respondent arising out of the Joint Development Agreement dated 08.05.2012.

For Petitioners : Mr.K.Venkatasubban

For Respondent : Mr.Mohammed Munassar



ORDER

This petition has been filed under Section 11 of the Arbitration and Conciliation Act, 1996 [hereinafter referred to as 'the Act'] to appoint an arbitrator to resolve the dispute arising out of the Joint Development Agreement dated 08.05.2012.

2. When the matter came up for hearing on 22.01.2026, this Court passed the following order:

“This petition has been filed under Section 11 of the Arbitration and Conciliation Act, 1996 [hereinafter referred to as 'the Act'] to appoint an arbitrator to resolve the dispute arising out of the Joint Development Agreement dated 08.05.2012.

2. The Joint Development Agreement provides for referring the dispute for Arbitration under Clause 19 and the same is extracted hereunder:-

“19.ARBITRATION CLAUSE

Any dispute arising from this Agreement shall be referred to Arbitration. A Sole Arbitrator shall be mutually appointed by the SECOND PARTY. The Arbitration shall be in accordance with the Arbitration and Conciliation Act of 1996 (and its Amendments) and shall be conducted at Chennai/Coimbatore.”

3. The trigger notice under Section 21 of the Act was issued on 25.06.2025 and the same has also been received by respondent. Since there was no response, the present petition has been filed before this Court.

4. Notice to respondent returnable by 23.02.2026. Private notice is also permitted.

Post this petition for hearing on 23.02.2026.”



3. Heard learned counsel for petitioners and learned counsel for respondent.

4. Learned counsel for petitioners submitted that the parties have agreed to conduct the arbitration at Coimbatore and therefore, if the proceedings are conducted at Chennai, the same should not be construed as the seat of arbitration since it will have its effect at the time of execution of the award.

5. In the considered view of this Court, the venue of arbitration shall be subject to the convenience of the parties and the sole arbitrator and wherever/whichever mode these proceedings are conducted, the same will not determine the seat of arbitration.

6. In view of the above, this Court appoints Mr.P.Dinesh Kumar, Advocate, No.113/1194, 1st Floor, Guruprasad Buildings, G.Block, 14th Street, 6th Avenue, Anna Nagar, Chennai – 600 040, dineshkumarkpk@gmail.com [Mobile No.93802 12254] as the sole



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N.ANAND VENKATESH, J.

gm

Arbitrator and the Sole Arbitrator is requested to adjudicate the arbitral disputes that had arisen between the parties and render arbitral award 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.

23.02.2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
gm

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