



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-01-2026

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THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

Arb O.P(COM.DIV.) No. 654 of 2025

1. Sunil Prakash Dembla
The Karta of Sunil and Sons HUF,
A Hindu Undivided Family
Having its registered office at
Plot No. 6111, 6th Block, 11th
floor, TVH Lumbini Square,
127, Brick Kiln road,
Purasaiwalkam, Vepery,
Chennai - 600 007.

Petitioner(s)

Vs

M/s.Fresh2day Pvt. Ltd.,
Represented by its authorised
signatory
Mr.Thiagarajan Annamalai,
Having its registered office at
No.10, 16, Central Avenue,
Kasavaperumalpuram,
Gandhi Nagar, R.A.Puram,
Chennai - 600 028.
Also having office at 2nd floor,
351, Avai Shamugam Salai,
Gopalapuram, Chennai - 600 086.

Respondent(s)

PRAYER

Petition filed under Section 11(6) of the Arbitration and Conciliation
Act, 1996 to appoint a Sole Arbitrator to enable the constitution of



the arbitral tribunal and to adjudicate the disputes and difference
that have arisen between the Petitioner and the Respondent, arising
out of the Franchise Agreement dated 27/04/2023.

For Petitioner(s): Ms.Anish Gupta
for Mr.Raghavendra Ross
Divakar
For Mr. Barath Kumar
Respondent(s):

ORDER

This petition has been filed under Section 11(6) of the
Arbitration and Conciliation Act, 1996, for appointment of a sole
arbitrator to adjudicate the disputes and differences that have arisen
between the petitioner and the respondent under the Franchise
Agreement dated 27.04.2023.

2. When the petition came up for hearing on 31.10.2025, this
Court passed the following order:-

*This original petition has been filed under Section 11(6) of the
Arbitration and Conciliation Act, 1996 seeking to adjudicate the
disputes between the petitioner and the respondents in terms of
clause 15.2 of the Franchise Agreement dated 27.04.2023.*

*2. The trigger notice under Section 21 of the Arbitration and
Conciliation Act has been issued on 10.09.2025.*

*3. Notice to the respondent returnable by 24.11.2025. Private
notice is also permitted.*



4. *Post the case on 24.11.2025.*

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3. After notice was served on the respondent, the respondent has engaged a counsel.

4. Heard Ms.Anish Gupta, learned counsel for the petitioner and Mr.Barath Kumar, learned counsel for respondent.

5. The case of the petitioner is that the parties entered into a franchise agreement dated 27.04.2023 for operating a store in Kilpauk. Disputes have arisen between the parties and according to the petitioner, the petitioner has invested a huge amount of money. Under such circumstances since the franchise agreement provides an arbitration clause for the appointment of arbitrator under Clause 15.2, the petitioner wants the dispute to be referred to an Arbitrator. It is under these circumstances, the present petition has been filed before this Court.

6. In the considered view of this Court, there is a valid agreement between the parties in line with Section 7 of the Act and it contains an arbitration clause. All the other issues that have been



raised on the side of the respondent cannot be gone into in this petition and it is left open to both the parties to raise all the issues before the Arbitral Tribunal.

7. Clause 15.2 of the Franchise Agreement dated 27.04.2023 contemplates the appointment of an Arbitral Tribunal consisting of two arbitrators, one each appointed by either party. Considering the cost that may be involved to engage two arbitrators, this Court suggested that a sole arbitrator can be appointed and a retired High Court Judge can be appointed as a sole arbitrator. Both the parties have consented to the same.

8. In view of the above, this Court is inclined to appoint Hon'ble Mr.Justice M.S.Ramesh, Former High Court Judge, No.7 (NB), Greenways Road, Chennai – 600 028, Mobile No 98400 74700. as the sole Arbitrator and the sole Arbitrator is requested to adjudicate the arbitral disputes that had arisen between the parties and render arbitral award by holding sittings in the 'Madras High Court Arbitration Centre under the aegis of this Court' (MHCAC) as per Madras High Court Arbitration Proceedings Rules 2017 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.

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9. Accordingly, this petition is disposed of.

02-01-2026

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Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No



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signatory
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