

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE B.KEMAL PASHA

WEDNESDAY, THE 29TH DAY OF JULY 2015/7TH SRAVANA, 1937

AR.No. 53 of 2014

PETITIONER:

**N.C.VIJAYAKUMAR,
S/O NARAYANA PILLAI, RESIDING AT SABARI,
SOORANADU NORTH PO, KOLLAM - 690 561.**

**BY ADVS.SRI.K.JAGADEESH
SMT.V.RENJU**

RESPONDENT:

**RELIANCE INFRATEL LIMITED,
REGISTERED OFFICE AT
DHIRUBHAI AMBANI KNOWLEDGE CITY,
NAVI MUMBAI - 400 710 AND HAVING LOCAL OFFICE
AT 2ND FLOOR, VAZHVELI BUILDING, ULLOOR ROAD,
THIRUVANANTHAPURAM, REPRESENTED BY
ITS AUTHORISED REPRESENTATIVE.**

**THIS ARBITRATION REQUEST HAVING BEEN FINALLY HEARD
ON 29-07-2015, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:**

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APPENDIX

PETITIONERS' ANNEXURES:

ANNEXURE A1 : TRUE PHOTOCOPY OF THE LEASE AGREEMENT ENTERED
INTO BY THE PETITIONER AND RESPONDENT
DATED 19.12.2008.

ANNEXURE A2 : TRUE PHOTOCOPY OF THE LAWYERS NOTICE ISSUED ON
BEHALF OF THE PETITIONER, DATED 9.6.2009.

ANNEXURE A3 : TRUE PHOTOCOPY OF THE LAWYERS NOTICE,
DATED 10.10.2013.

RESPONDENTS' ANNEXURES: NIL.

//TRUE COPY//

P.S. TO JUDGE

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B. KEMAL PASHA, J.

.....
Arbitration Request No.53 of 2014
.....

Dated this the 29th day of July, 2015

O R D E R

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This is an arbitration request from the petitioner in respect of a dispute that has arisen from Annexure-A1 lease agreement entered into between the parties.

2. In spite of notice, there is no representation for the respondent. The learned counsel for the petitioner is present. Heard the learned counsel for the petitioner.

3. On hearing the learned counsel for the petitioner, it seems that there is a subsisting dispute, which has to be referred for arbitration within the meaning of Section 7(f) of Annexure-A1 agreement. Two Arbitrators are to be appointed, one by each parties. Even though notice was caused to be issued by the petitioner to the respondent, it also evoked no response. When a suit was filed by the petitioner for the recovery of amounts, it was resisted by the

respondent by pointing out clause No.7(f) of the agreement. The only course open to this Court is to appoint two Arbitrators in the matter from the panel of Arbitrators being maintained by this Court.

In the result, this Arbitration Request is allowed and Advocate Sri.K.V.Sachidanandan, 604, Prasanna Vihar Apartments, A.W.H.O., Marine Drive, Ernakulam-31 and Advocate Sri.P.R.Shaji, D3 Sea View Flats, Syrian Church Road, Broadway Northend Ernakulam, Cochin-13 are appointed as the Arbitrators in the matter.

Sd/-
(B.KEMAL PASHA, JUDGE)

aks/29/07

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PA to Judge