

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
-
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH
-

ARBITRATION APPLICATION No. 82 OF 2014

Between:

M/s. Pennar Engineered Buildings Systems Limited, a company incorporated and registered under the Companies Act, 1956 having its registered office at 9th Floor (West Wing), DHFLVC Silicon Towers, Kondapur, Hyderabad
... Applicant

And

M/s. Hindustan Co., Ltd., a company incorporated under the provisions of the Companies Act, 1956, having its registered office at Hincon House, Lal Bahadur Shastri Marg, Vikhroli (West), Mumbai – 400083, India, rep., by its Managing Director
... Respondent

DATE OF JUDGEMENT PRONOUNCED: 24-07-2015

SUBMITTED FOR APPROVAL:

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE

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| 1. Whether Reporters of Local newspapers may be allowed to see the Judgment? | Yes/No |
| 2. Whether the copies of judgment may be marked to Law Reporters/Journals? | Yes/No |
| 3. Whether Their Ladyship/Lordship wish to see the fair copy of the Judgment? | Yes/No |

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HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE

ARBITRATION APPLICATION No. 82 OF 2014

PC: (per the Hon'ble the Acting Chief Justice Dilip B. Bhosale)

Heard learned counsel for the parties.

Mr. G. Manohar, learned counsel for the respondent, at the outset, invited my attention to Clauses 16 and 17 of the purchase order and submitted that this Court has no jurisdiction to entertain the instant application.

Clauses 16 and 17 of the purchase order read thus:

“Dispute Resolution:

If a dispute of any kind whatsoever arises with you in connection arising out of this order the matter in dispute shall be settled amicably between us failing which the dispute shall be finally resolved in accordance with the arbitrator to be nominated by us. The venue shall be Mumbai.

Jurisdiction:

This order is governed as per laws of India and the jurisdiction of only Mumbai courts shall apply”.

In view of the preliminary objection raised by learned counsel for the respondent, Ms. Avani Bommineni, learned counsel holding for Mr. Avinash Desai, advocate on record for the applicant prays for withdrawal of this application with liberty to the applicant to file similar application before the Bombay High Court.

Arbitration application is disposed of with liberty as prayed.

DILIP B. BHOSALE, ACJ

24-07-2015

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