

THE HON'BLE THE CHIEF JUSTICE SRI KALYAN JYOTI SENGUPTA

ARBITRATION APPLICATION No. 137 of 2014

DATE: 27.03.2015

Between:

M/s. Meda Narasimhulu & Co.,

A registered partnership firm,

Having its office at

H.No.6-3-609/161/1,

Anand Nagar Colony, Hyderabad,

Telangana – 500 004.

... Applicant

And

Central Power Research Institute,

Having its office at Prof. Sir C.V. Raman Road,

Sadashivnagar Sub Post Office,

PB No.8066, Bangalore – 560 080

Having its local office at

Central Power Research Institute

Warangal Highway, Medipally Village,

Hyderabad, Telangana – 500 098.

... Respondent

This Court made the following:

THE HON'BLE THE CHIEF JUSTICE SRI KALYAN JYOTI SENGUPTA

ARBITRATION APPLICATION No.137 of 2014

ORDER:

This is an application for appointment of an Arbitrator under Section 11 of the Arbitration and Conciliation Act, 1996 (for short 'the Act').

I notice, as rightly contended by Mr. S. Ravi, learned Senior Counsel appearing for the applicant, that there has been no dispute as regards the validity

and legality of the arbitration agreement nor there is any vagueness to get the disputes resolved by the arbitration mechanism, and as a matter of fact, the respondent has appointed an Engineer of their choice, sole arbitrator. This appointment was made after more than 30 days of the date of making request as contemplated under clause (a) of sub-Section (4) of Section 11 of the Act.

I am unable to accept the contention of Mr. L. Ravichander, learned Senior Counsel appearing for the respondent, that the request for appointment of arbitrator was made in August, 2014. It appears to me that in the month of June, 2014, the request for appointment of arbitrator was made by the applicant though not in a prescribed format, but the substance thereof is clear to indicate that a request for appointment of arbitrator was there.

Since the appointment has been made after making this application and the respondent has allowed the time to expire, that itself disentitles it to appoint the arbitrator in terms of the arbitration agreement.

Under these circumstances, I think it fit to appoint Mr. E. Manohar, learned Senior Advocate, sole arbitrator, as both the learned counsel have suggested his name, to adjudicate the disputes between the parties to be placed before him.

The learned Arbitrator will fix his own remuneration upon deliberation and consultation with the parties. He will also fix the costs and expenses of the secretarial assistance for the arbitration proceedings upon deliberation and consultation with the parties. All the costs and expenses of the arbitration proceedings shall be borne by both the parties in equal share. The learned Arbitrator is directed to conclude the arbitration proceedings and make publication of Award within five months from the date of entering upon the reference.

The Arbitration Application is accordingly disposed of.

K.J. SENGUPTA, CJ

Date: 27.03.2015

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