

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

ARBITRATION APPLICATION No.96 2015

ORDER:

This application, under Section 11(6) of the Arbitration and Conciliation Act, 1996 is filed by the applicant seeking appointment of an arbitrator by the Court.

The partnership deed, executed on 29.03.2000 between the applicant and the respondent, contains an arbitration clause. Clause 16 thereof stipulates that, in the event of any disputes among the partners, the same shall be referred to arbitration of any of the Arbitrator chosen and appointed by the partners; and the decision of the Arbitrator shall be binding on the partners in all matters. While the partnership deed was amended on 01.04.2002, the amendment appears to be limited only to clause 3, and the arbitration clause 16 appears to remain force. While there has been extensive correspondence, between the applicant on the one hand and the respondent on the other, claiming that the business being carried on by the respondent was as its proprietor and there was no partnership firm in existence, the fact remains that the notice sent by the applicant on 19.05.2015, calling upon the petitioner to nominate an arbitrator, was received by the respondent on 21.05.2015 despite which no response was forthcoming thereto.

On the application being filed under Section 11(6) of the Act, this Court issued notice to the respondent returnable on 09.10.2014, and permitted the applicant to take out notice. Notice was taken out on the respondent, and proof of service of the notice on 12.09.2015 has

been filed. As there exists an arbitration clause in the partnership deed, and the arbitral dispute relates to rendition of accounts relating to such a partnership, Sri Venkatesh Deshpande, Learned Counsel for the applicant, requests that a retired District Judge be appointed as the arbitrator. I consider it appropriate, in such circumstances, to appoint Sri Sri D. Vishnuvardhan Reddy, retired District Judge, Flat No.401, District Judges quarters, Road No.10, Banjara Hills, Hyderabad as the arbitrator to adjudicate the disputes between the parties in terms of the partnership deed, and in accordance with law.

The arbitrator shall fix his remuneration, and incidental charges for the arbitration proceedings, in consultation with the parties. The arbitrator shall complete arbitration proceedings, and pass an award at the earliest, preferably within a period of six months from the date of commencement of arbitral proceedings. He shall hold sittings, as far as possible, in the mediation centre of the High Court.

The arbitration application, is accordingly, disposed of. No costs.

RAMESH RANGANATHAN, ACJ

Date: 25.11.2016

MRKR