

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

ARBITRATION APPLICATION No.66 OF 2016

ORDER:

This application is filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 (for short 'the Act'), seeking appointment of an Arbitrator.

A lease agreement was entered into between the applicant and the respondent in the Year 2012. The said agreement contains an arbitration clause. Clause XVII of the lease agreement stipulates that, in the event of any dispute or difference between the Lessor and the Lessee concerning or relating to the liability or obligation on the part of any of the parties, they shall resolve the same by negotiations; in the event that no resolution is reached by negotiations, the same shall be referred to a sole Arbitrator to be appointed by the parties; and, in case of disagreement for appointment of a sole Arbitrator, the dispute shall be referred to arbitration by a panel of three Arbitrators, one of whom shall be appointed by each party, and the third by the two Arbitrators, who would then act as the Presiding Arbitrator.

While the applicant has no doubt named an Arbitrator to appear on his behalf and, in an application under Section 11 of the Act, this Court would only be called upon to appoint an Arbitrator on behalf of the respondent, both of whom shall then appoint a third arbitrator, both Sri A. Srinath, learned counsel for the applicant and Sri P. Bhaskar, learned counsel for the respondent, in unison request this Court, instead, to appoint a sole Arbitrator to adjudicate the disputes.

As both the applicant and the respondent are in agreement that a sole Arbitrator be appointed, I consider it appropriate to appoint Sri I.Krishnaiah, Retired District Judge, Flat No.103, Srilakshmi

Nilayam, Goods Shed Road, Nampally, Hyderabad, as the sole Arbitrator. The Learned Arbitrator shall fix his remuneration, and the incidental expenses for arbitration proceedings, in consultation with the parties. He is requested to complete arbitration proceedings, and pass an award at the earliest, preferably within six months from the date of commencement of arbitral proceedings. He is also requested, to the extent possible, to hold sittings in the mediation centre of the High Court.

The arbitration application is disposed of accordingly. No costs.

RAMESH RANGANATHAN, ACJ

Date: 02.12.2016
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