

**HON'BLE THE ACTING CHIEF JUSTICE DILIP B.BHOSALE
AND
HON'BLE SRI JUSTICE P.NAVEEN RAO**

WRIT PETITION No.1564 of 2016

Date: 29.06.2016

Between:

Gangisetty Venkateswarlu s/o late Seshaiah,
Aged 61 years, Occu: Managing Partner,
M/s Sri Sw2amy Dall & Flour Mill,
D.No. 26-28-54/2, 1st Line, A.t.Agraharam,
Guntur, A.P.

..... Petitioner

and

M/s SAIMOHN-LE ASSOCIATES, the Arbitral
Tribunal of the sole Arbitrator, Sri K.Ravichandra
Mohan, Advocates, Arbitrator & Tax Consultants,
D.No. 6-3-248, Flat No.202A, Maheswari Towers,
Road No.1, Banjara Hills, Hyderabad, Telangana
and others.

.....Respondents

The Court made the following:

HON'BLE THE ACTING CHIEF JUSTICE DILIP B. BHOSALE

AND
HON'BLE SRI JUSTICE P. NAVEEN RAO

-
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PC: (*Per the Hon'ble Sri Justice P.Naveen Rao*)

Heard Smt M.S.Tirumala Rani, learned counsel for the petitioner and Sri G.Tuhin Kumar, learned counsel for respondents.

2. This writ petition is filed praying to grant the following relief:

“To issue an appropriate writ or direction particularly one in the nature of Writ of Prohibition restraining permanently the 1st and 2nd respondents for conducting or continuing the illegal arbitral proceedings in arbitration case No. 005 of 2015 before them due to the reason of constituting of the illegal Arbitral Tribunal by blatantly abusing the process of law, particularly abusing the object, spirit and intention of the Arbitration and Conciliation Act, 1996 and also contrary to Sections 11, 11(8), 7, 8, 12(1)(a), 12(1)(b), 12(5) and Schedules 5 and 7 of the above said act and to impose exemplary costs upon the 1st and 2nd respondents.”

3. Shorn of details, grievance of the petitioner is that petitioner was Managing Partner of M/s Sri Swamy Dall and Flour Mill, a partnership concern. Petitioner gave notice dated 25.11.2015 for dissolution of the firm. It appears there are serious disputes between the partners of the firm. Notice dated 14.12.2015 was served on the petitioner informing him that arbitral proceedings have been initiated by appointing sole arbitrator, by name, K.Ravichandra Mohan, who is the Managing Partner of

M/s.SAIMOHN-LE ASSOCIATES. Ignoring the objections raised by the petitioner, he was directed to appear on 04.01.2016, to which date the arbitral proceedings were adjourned. Challenging initiation and continuation of arbitration proceedings, this writ petition is filed.

4. This Court by order dated 28.01.2016, while directing the parties to maintain *status quo*, adjourned the writ petition to enable the

counsel for the parties to explore the possibility of appointment of an Arbitrator acceptable to both sides.

5. When the writ petition was taken for consideration, on instructions, learned counsel represented that there is no consensus among the parties for selecting a person for appointment as arbitrator and requested the Court to appoint any retired District Judge, who is residing in Guntur town as arbitrator.

6. With consent of both parties to the writ petition, the following orders are passed:

i) Sri A.Hazarath Rao, Retired District Judge, residing in R&B Quarters, opposite Town DSP Office, Guntur 522 004, is appointed as Arbitrator.

ii) The Arbitral proceedings shall be conducted in accordance with the provisions of the Arbitration and Conciliation Act, 1996.

iii) Learned Arbitrator shall fix his remuneration upon deliberation and consultation with the parties. The costs and expenses of the secretarial assistance of the arbitration proceedings shall also be determined by the learned Arbitrator. Each party will bear the expenses of the arbitration proceedings in all respects in equal share.

iv) The learned Arbitrator shall endeavor to complete the arbitration proceedings by making publication of Award within the time stipulated under the Arbitration and Conciliation Act, 1996.

v) The parties are at liberty to raise all the pleas as available in law with reference to the dispute between the parties.

7. The Writ Petition is disposed of in the above terms. Miscellaneous petitions if any pending shall stand disposed of. No

costs.

DILIP B. BHOSALE, ACJ

P.NAVEEN RAO, J

Date: 29.06.2016
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