

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

Arbitration Application Nos.96 of 2012 and 119 of 2013

COMMON ORDER:

Application No.617 of 2013 has been filed to withdraw the prayer made under Section 14(2) of the Arbitration and Conciliation Act, 1996 (for short "the Act"), as the applicant does not want to press the issues except to seek substitution of an Arbitrator under Section 15(2) of the Act.

In both these applications, the parties are one and the same, and the agreements dated 25.01.2005 and 12.05.2006 contain arbitration clauses whereby any dispute, arising out of the contract, shall be referred to the arbitral tribunal to be constituted as per the Arbitration and Conciliation Act, 1996; the Tribunal shall consist of three arbitrators, in which each party shall appoint one arbitrator; the two appointed arbitrators shall appoint a third arbitrator who shall act as the presiding arbitrator; and the venue of arbitration shall be at Hyderabad. In terms of the agreement, the applicant appointed Shri Prem Kumar, a Retd. District Judge, Delhi, as their arbitrator and the respondent appointed an Advocate who was later appointed as a Judge of this Court. Both the arbitrators appointed Shri V.K.Sawhney (Brig. Retd.) as the Presiding Arbitrator. As the arbitrator appointed by the respondent can no longer discharge his duties as an arbitrator, the applicant requested the respondent to nominate any other arbitrator in his place and, on their failure to do so, they have invoked the jurisdiction of this Court under Section 15(2) of the Act.

Both Sri Ritesh Khatri, Learned Counsel for the applicant and Sri S.Niranjan Reddy, Learned Senior Counsel appearing on behalf of the respondent, would submit that a retired District Judge be appointed as an arbitrator on behalf of the respondent.

I consider it appropriate to appoint Sri Isaac Prabhakar, Retired District Judge, C/o.V.K.Madhu Ravi Kumar, H.No.8-3-690/C, Beside Current Office, Shalivahana Nagar Colony, Srinagar Colony Post, Hyderabad – 500 073, as the arbitrator on behalf of the respondent. The Learned arbitrator shall fix his remuneration, and incidental charges for the arbitration proceedings, in consultation with the parties. The arbitration proceedings shall be completed and an award shall be passed at the earliest, preferably within a period of six months from the date of commencement of arbitral proceedings. They are also requested to hold sittings, as far as possible, in the mediation centre of the High Court.

Both the Arbitration Applications are, accordingly, disposed of. The miscellaneous petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.

RAMESH RANGANATHAN, ACJ

Date:04.08.2017
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