

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

Arbitration Application No.52 of 2015

ORDER:

Despite notices having been served on respondents 1 to 3 and 5 to 8, neither are they present nor are they represented by Counsel. Notice sent to the 4th respondent, by registered post with acknowledgement due, was returned unserved with an endorsement 'refused' which amounts to deemed service of notice. No Counsel has entered appearance for the 4th respondent either, nor is he present in Court.

Clause 34 of the development agreement-cum-general power of attorney stipulates that any dispute or difference, arising out of the development agreement, shall be settled by the parties through arbitration under the provisions of the Arbitration and Conciliation Act, 1996 at Khammam. The applicant sought appointment of an arbitrator by issuing a notice, under Section 21 of the Arbitration and Conciliation Act, 1996, to the respondents by their letter dated 27.03.2015.

Sri K.Shyam Kumar, Learned Counsel for the applicant, would submit that, despite notices having been served on them under Section 21 of the Act, neither have the respondents replied thereto nor have they consented for appointment of an arbitrator necessitating the applicant having to invoke the jurisdiction of this Court under Section 11(5) & (6) of the Arbitration and Conciliation Act, 1996.

As the agreement is silent with regards the number of arbitrators to be appointed, I consider it appropriate to appoint Sri Justice R.Kantha Rao, Retired Judge of this Court, Supriya Heights, 8-2-293/82/A1/52/201/1A, Flat No.201, Plot No.52,

Ashwini Layout, Block No.2, III Floor, Journalists Colony, Jubilee Hills, Hyderabad, as the sole arbitrator to resolve the disputes arising out of the subject development agreement-cum-general power of attorney. The Learned arbitrator shall fix his remuneration, and incidental charges for the arbitration proceedings, in consultation with the parties. He is requested to 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 is also requested to hold sittings, as far as possible, in the mediation centre of the High Court.

The Arbitration Application, is accordingly, disposed of. The miscellaneous petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.

Date:06.01.2017
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RAMESH RANGANATHAN, ACJ

