

HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

ARBITRATION APPLICATION NO.146 OF 2016

ORDER:

This application is filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 seeking appointment of an arbitrator. The Development Agreement-cum-General Power of Attorney, executed on 22.01.2016 between the respondents and the applicant, contains, in clause XXV thereof, an Arbitration clause whereunder all disputes, arising out of or in connection with the Development Agreement, shall be initially resolved by mutual discussions among the GPA holder and the Developer or the nominated representatives of both the parties; in case the disputes are not resolved by mutual discussions, the same shall be referred to the arbitration in accordance with the provisions of the Arbitration & Conciliation Act, 1996; the disputes shall be referred to the mutually agreed sole arbitrator; and the venue of arbitration shall be at Hyderabad.

While the respondent is not agreeable for appointment of the person proposed by the applicant as the arbitrator, the applicant is not willing to have either of the two persons proposed by the respondent as the arbitrator. Both Sri B. Vijaysen Reddy, Learned Counsel for the applicant and Sri Y. Ratnakar, Learned Counsel for the respondent, would agree that an arbitrator be appointed by this Court to resolve the disputes, as the efforts made by the parties to amicably settle the disputes has failed.

I consider it appropriate, therefore, to appoint Sri Justice K.C. Bhanu, Villa No.43, Adity Royal Palms, Gated Community,

Road opp. To 7 tombs gate, Shaikpet, Hyderabad – 8, as the sole arbitrator. The Learned Arbitrator shall fix his remuneration, and incidental charges for the arbitration proceedings, in consultation with the parties. He 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 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 stand closed. No costs.

Date: 16.06.2017

MRKR

RAMESH RANGANATHAN, ACJ

