

HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

ARBITRATION APPLICATION NO.30 OF 2017

ORDER:

The agreement between the applicant and the respondent dated 12.07.2010 contains an arbitration Clause. Clause 15 of the said agreement stipulates that any disputes between the Owner and the Project Management Consultant, arising out of or connected with the Agreement or the Project, shall be referred to, and be determined by a sole arbitrator to be agreed between the Owner and the Project Manager; arbitration shall be conducted in Hyderabad; and the Arbitration Act, 1996, along with the latest amendments, shall apply.

In their counter-affidavit, the respondent contended that the applicant was not entitled to invoke the jurisdiction of this Court, since he has not complied with the provisions of the Act, including issuance of the statutory notices.

Ms. D. Shalini, Learned Counsel appearing on behalf of Sri D. Srinivas Prasad, Learned Counsel for the respondent, would submit that the respondent has also raised counter-claims against the applicant; and they have no objection for Sri V.V. Raghavan, retired District Judge to be appointed as the sole arbitrator.

As both parties are in agreement with regards appointment of an arbitrator, and the person to be appointed as such, I consider it appropriate appoint Sri V.V. Raghavan, retired District Judge, No.302, Legends Residency, Street No.2, Shantinagar, Masab Tank, Hyderabad – 28 to be the arbitrator to resolve the disputes, arising between the applicant and the respondent under the

agreement, in accordance with law. The Learned arbitrator shall fix his remuneration, and incidental charges for the arbitration proceedings, in consultation with the parties. He shall complete the 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 shall hold sittings, as far as possible, in the mediation centre of the High Court.

The arbitration application, is accordingly, disposed of. No costs.

RAMESH RANGANATHAN, ACJ

Date: 22.12.2017.

MRKR

