

HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

ARBITRATION APPLICATION NO.166 OF 2016

ORDER:

Despite service of notice, neither has any Counsel has entered appearance on behalf of the respondents nor have they filed their counter-affidavit.

Heard Sri Gandra Mohan Rao, Learned Counsel for the applicant. This application is filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 ("the Act" for short) seeking appointment of a sole arbitrator. The arbitration clause in the agreement between the parties is to be found in the Courier Liability Insurance Policy document No.112102/48/2009/1258. The said policy cover note contains, in Clause 8 thereof, the Arbitration Clause and stipulates that, if any dispute or difference shall arise as to the quantum to be paid under this policy (liability being otherwise admitted) such difference shall, independently of all other questions, be referred to the decision of a sole arbitrator to be appointed in writing by the parties to or if they cannot agree upon a single arbitrator, within 30 days of any party invoking arbitration, the same shall be referred to a panel of three arbitrators comprising of two arbitrator, one each of the party to the dispute/difference and the third arbitrator to be appointed by the two arbitrators, and shall be conducted under, and in accordance with, the provisions of Act.

As there exists an arbitration agreement and, despite service of notice, the respondent has neither entered appearance through

Counsel nor have they filed their counter-affidavit, I consider it appropriate to appoint Sri T. Baktavatsalam, Retired District Judge, House No.7, Saketh Mithila, Kapra, Near Radhika Theatre, A.S. Rao Nagar, Secunderabad as the arbitrator to adjudicate the disputes 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: 13.10.2017.

MRKR

