

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

Arbitration Application No.35 of 2016

ORDER:

Proof of publication of notice in Deccan Chronicle, English daily newspaper, and Siasat, Urdu daily newspaper, has been filed. Neither have the respondent entered appearance through counsel nor are they represented before this Court.

This application is filed seeking appointment of an arbitrator under Section 11(2) and (6) of the Arbitration and Conciliation Act, 1996. The development agreement-cum-irrevocable general power of attorney was made and executed on 05.03.2013 between the applicant and the respondent. Clause 15 of the said agreement stipulates that, in the event of any dispute and reference arising with regard to interpretation, scope and ambit of various clauses stipulated in respect of the agreement, the parties shall seek redressal of the same through arbitration by nominating one arbitrator each, and the decision of the said arbitrator shall be conclusive and binding on the parties. The applicant issued a notice to the respondent on 22.01.2016 seeking their consent for appointment of Sri M.A.Qayoom, Advocate, as an arbitrator on their behalf to determine their loss. On the ground that there was no response thereto, the jurisdiction of this Court has been invoked.

Sri Ahmed Khan, Learned Counsel for the applicant, would submit that Sri M.A.Qayoom, Advocate has been appointed as an arbitrator on behalf of the applicant; and this Court may be pleased to appoint an Arbitrator on behalf of the respondent; and to direct both the arbitrators to appoint a third arbitrator.

I consider it appropriate, therefore, to appoint Sri M. Kanthaiah, (Retired District Judge), A-90, H.No.8-2-293/821/J/A/90, Journalist Colony, Jubilee Hills, Hyderabad 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. Both the arbitrators shall, in turn, appoint a third arbitrator to resolve the disputes between the parties. The panel of arbitrators 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. They are 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:15.09.2017
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RAMESH RANGANATHAN, ACJ