

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

Arbitration Application No.3 of 2016

ORDER:

Existence of an arbitration agreement is not in dispute. Sri S. Ramesh, Learned Counsel for the respondent, would however, contend that the claim is barred by limitation. As held by the Supreme Court, in **Wexford Financial Inc. Panama v. Bharat Heavy Electricals Limited**¹, the contention that the claim is time barred is also required to be examined by the arbitrator; and such a contention can be urged by the respondent before the Arbitrator to be appointed by this Court.

As the parties are unable to agree on a sole arbitrator, I consider it appropriate to appoint Sri S.Madhava Rao, retired District Judge, Flat No.603, Prathibha Apartments, Sebastian Road, Secunderabad, as the sole arbitrator to resolve the disputes between the parties. 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 also stand disposed of. There shall be no order as to costs.

RAMESH RANGANATHAN, ACJ

Date:02.06.2017
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¹ (2016) 8 SCC 267