

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

Arbitration Application Nos.89 and 91 of 2017

COMMON ORDER:

The applicant, in Arbitration Application No.89 of 2017, is the respondent in Arbitration Application No.91 of 2017 and vice-versa. Both of them seek appointment of an arbitrator in terms of the very same agreement dated 05.09.2013 which contains an arbitration clause with one arbitrator to be appointed by each of the parties, and for both the arbitrators to appoint a third arbitrator. While the applicant in Arbitration Application No.89 of 2017 appointed Sri Justice M.Jagannadha Rao as their nominee, the respondent in Arbitration Application No.89 of 2017 appointed Sri B.Vishnu Prasad Reddy, retired District Judge, as their nominee. Since Sri B.Vishnu Prasad Reddy did not participate in the arbitral proceedings, the present applications have been filed seeking appointment of an arbitrator. The applicant in Arbitration Application No.89 of 2017 claims a sum in excess of Rs.61.00 Crores from the respondent, and the respondent in turn claims Rs.3.50 Crores from the applicant.

While the applicant in Arbitration Application No.89 of 2017 claims that Sri B.Vishnu Prasad Reddy, Retired District Judge has chosen not to participate in the arbitral proceedings, the applicant in Arbitration Application No.91 of 2017 contends otherwise. It is wholly unnecessary for this Court to examine the request of the applicant in Arbitration Application No.91 of 2017 for appointment of an arbitrator since the request of the applicant in Arbitration Application No.89 of 2017 is for an arbitrator to be appointed on

behalf of the respondent in Arbitration Application No.89 of 2017, who is the applicant in Arbitration Application No.91 of 2017.

I consider it appropriate to appoint Sri Justice G.V. Seethapathy, a retired Judge of this Court, R/o.H.No.5-8-30/34, Govardhanapuri Gardens, Yapral, Secunderabad – 87, as the arbitrator on behalf of the respondent in Arbitration Application No.89 of 2017. Both the Arbitrators shall nominate a third arbitrator as stipulated in the agreement.

Both the Arbitration Applications are, accordingly, disposed of. The miscellaneous petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.

Date:04.08.2017
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RAMESH RANGANATHAN, ACJ

