

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

Arbitration Application No.17 of 2016

ORDER:

Despite service of notice, 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(6) of the Arbitration and Conciliation Act, 1996. The applicant herein entered into an agreement with the respondent on 13.09.2010 for extension of the existing service centre shed and allied works. The said agreement contains an arbitration clause. Clause 4 thereof requires the dispute between the parties to be resolved by a sole arbitrator to be appointed by the company. A legal notice was issued, on behalf of the applicant, to the respondent on 26.10.2015. In their legal notice dated 26.10.2015, the applicant called upon the respondent to refer their claims to arbitration in terms of Clause 4 of the agreement, dated 13.09.2010.

Sri S.V.S.Chowdary, Learned Counsel for the applicant, would submit that, despite service of notice, neither has the respondent chosen to reply thereto, nor have they appointed an arbitrator; and the applicant had no other alternative, therefore, except to invoke the jurisdiction of this Court, under Section 11 of the Arbitration and Conciliation Act, 1996.

The agreement dated 13.09.2010 contains an arbitration clause and, as the respondent chose not to appoint an arbitrator despite being called upon to do so, the applicant is justified in

making an application to this Court seeking appointment of an arbitrator.

I consider it appropriate, in such circumstances, 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.

Date:15.09.2017
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RAMESH RANGANATHAN, ACJ