

HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

ARBITRATION APPLICATION NO.104 OF 2015

ORDER:

This application is filed, under Section 11(5) and (6) of the Arbitration and Conciliation Act, 1996, seeking appointment of an arbitrator. An agreement was entered into between the applicant and the respondent on 29.10.2009 at Hyderabad which required the applicant to provide catering services to the respondent hospital. Clause 12 of the said agreement stipulated that any disputes arising in discharge of the obligations by either party under the aforesaid terms and conditions, or in their interpretation, shall be settled through bilateral negotiations; and, if unavoidable, through arbitration acceptable to both the parties whose decision shall be final and binding on both.

The applicant filed a suit in O.S. No.56 of 22011, and the respondent filed an application, under Section 8(iii) of the Arbitration and Conciliation Act read with Order 7 Rule 11 CPC, requesting the Court to direct the parties to approach the arbitral tribunal for adjudication of the disputes in terms of the agreement. By his order dated 16.12.2013, the District Judge rejected the plaint, giving the parties an opportunity to seek a reference for arbitration under Section 8 of the Arbitration and Conciliation Act. The Applicant caused a notice to be issued on 09.11.2014 requesting the respondent to refer the dispute to arbitration, and proposed the name of Sri V.V. Raghavan, retired District Judge, as the arbitrator. On the ground that the respondent did not respond to the notice, the applicant invoked the jurisdiction of this Court

under Section 11(5) & (6) of the 1996 Act. Smt. Rubaina S. Khatoon, Learned Counsel for the respondent, would fairly state that this Court may appoint Mr. V.V. Raghavan, retired District Judge, as the sole arbitrator to resolve the disputes between the parties.

I consider it appropriate, therefore, to appoint Sri V.V. Raghavan, retired District Judge, No.302, Legends Residency, Street No.2, Shantinagar, Masab Tank, Hyderabad – 28, as the arbitrator to adjudicate the disputes in accordance with law. Needless to state that all questions are left it open to be examined by the Learned Arbitrator. The Learned Arbitrator shall fix his remuneration, and the incidental expenses for the arbitration proceedings, in consultation with the parties. The Learned Arbitrator is requested to complete arbitration proceedings, and pass an award at the earliest, preferably within six months from the date of commencement of the arbitral proceedings. He is also requested, to the extent possible, to hold sittings in the mediation centre of the High Court.

The arbitration application is disposed of accordingly. The miscellaneous petitions pending, if any, shall stand closed. No costs.

RAMESH RANGANATHAN, ACJ

Date: 08.12.2017.

MRKR