

THE HON'BLE THE CHIEF JUSTICE SRI THOTTATHIL B. RADHAKRISHNAN

ARBITRATION APPLICATION No.30 OF 2014

ORDER:

This is an Application for a measure under Section 11(6) of the Arbitration and Conciliation Act, 1996; "for short, the A&C Act".

2. Heard learned counsel for the applicant.
3. Learned counsel for the applicant has produced material along with Memo, dated 04.06.2014 evidencing that personal service of notice has been effected on the respondent. None appears for the respondent.
4. The contention of the applicant is that the applicant placed an order with the respondent for design, manufacture, supply, erection and commissioning of Coal and Rice Husk material handling system for the 1X30 TPH AFBC boilers at Mahaboobnagar, A.P., vide Purchase Order, dated 11.07.2010 and that there are disputes existing as between the parties. The applicant has, through the pleadings in the application, demonstrated that there are claims outstanding for consideration. The applicant appointed a former Judge of this Court as Arbitrator in terms of clause 21 of the Purchase Order. In response to that, the respondent refuted the contentions through reply notice issued through Advocate on 26.08.2013, to which the applicant replied on 28.09.2013. However, the respondent did not concur to the nomination of the Arbitrator made by the applicant nor did the respondent make any nomination. This application, on the said facts and circumstances, is eligible to be allowed taking requisite measure under Section 11(6) of the A&C Act.

5. In the result, this Arbitration Application is allowed appointing an Arbitrator.

6. Accordingly, Sri Justice N.R.L.Nageswara Rao, a former Judge of this Court is appointed as Arbitrator to arbitrate on the disputes between the applicant and the respondent, including the claims and counter claims of both sides. The said Arbitrator shall enter on reference and proceed with, as enjoined by the A&C Act. No order as to costs.

14.09.2018
pln



THOTTATHIL B. RADHAKRISHNAN, CJ