

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

ARBITRATION APPLICATION No.16 OF 2018

ORDER:

This Application is filed under Section 11(5) of the Arbitration and Conciliation Act, 1996; “for short, the A&C Act” seeking appointment of Arbitrator in view of the clause 20 of the Agreement, dated 30.10.2015, entered into between the parties, under which, according to the applicant, different amounts are due to it for which the demand notice was also issued to the respondent.

2. Heard learned counsel for the applicant.

3. The respondent has not contested the existence of the arbitration clause or the fact that the disputes called for resolution through arbitration.

4. The parties have also not agreed to make appointment of sole arbitrator in terms of Clause 20 of the Agreement.

5. This application, on the said facts and circumstances, succeeds and is eligible to be allowed.

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

7. Accordingly, Sri K.Surya Rao, Retired District and Sessions Judge, 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.

THOTTATHIL B. RADHAKRISHNAN, CJ

14.09.2018
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