

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

ARBITRATION APPLICATION No.64 of 2015

ORDER:

This is an Application for a measure under Section 11(6) of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as 'the A&C Act').

2. Notices on respondents 2 and 3 were served. The notice sent to first respondent was returned 'unclaimed'. Hence, it is deemed that the first respondent has been duly served. Though notices were served, none appears for the respondents.

3. This matter is not contested.

4. The applicant has shown that disputes exist for resolution between the parties relating to the Development Agreement-cum-General Power of Attorney, dated 21.11.2009. It is also shown that the third respondent is covered by an understanding as intimated by the respondents 1 and 2 to the applicant.

5. There is an arbitration clause in the Agreement as clause No.23 with the jurisdiction to be in Hyderabad.

6. Since the application is not opposed, and noticing that there are disputes to be resolved through arbitration, this Arbitration Application is allowed appointing Sri Vittal Rao Patil, Retired District and Sessions Judge, as the arbitrator to arbitrate on the disputes between the applicant and the respondents and the said arbitrator shall enter on reference and proceed with, as enjoined by the Act. The issues relating to the privity of contract between the applicant and

the third respondent as well are left open to be considered in arbitration proceedings.

THOTTATHIL B. RADHAKRISHNAN, CJ

10.08.2018
Pln/vs

