

HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

ARBITRATION APPLICATION NO.25 OF 2017

ORDER:

The partnership deed dated 03.11.1997 executed between the applicant and the respondent contains an arbitration clause.

Clause 12 of the partnership deed reads thus:

“That in case of disputes relating to the affairs of this partnership firm the same shall be referred to arbitration according to the provisions of the INDIAN ARBITRATION ACT and that such decision shall be final and binding on the parties.”

The applicant issued a notice to the respondent on 25.11.2016 proposing appointment of Sri A. Pratap Bhanj Deo, retired District Judge, as their arbitrator. In reply thereto the respondent, by their letter dated 18.01.2017, expressed its disinclination to have Sri A. Pratap Bhanj Deo as the arbitrator. Sri L. Venkateswara Rao, Learned Counsel for the respondent, would submit that the respondent is not agreeable to the appointment of Sri A. Pratap Bhanj Deo as the arbitrator; and, instead, this Court may consider appointing any other District Judge to be the arbitrator to resolve the disputes between the parties.

Smt. P.V. Aruna Kumari, Learned Counsel for the applicant readily agrees for such order to be passed. I consider it appropriate in such circumstances to appoint Sri T. Ashok Kumar, (Retired District Judge), 101, Bapuji Nagar, Habsiguda, Ratna Nidhi Residency, Hyderabad to be the arbitrator to resolve the disputes arising between the applicant and the respondent. The Learned arbitrator shall fix his remuneration, and incidental charges for the arbitration proceedings, in consultation with the

parties. He shall complete the 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 shall hold sittings, as far as possible, in the mediation centre of the High Court.

The arbitration application, is accordingly, disposed of. No costs.

RAMESH RANGANATHAN, ACJ

Date: 05.01.2018.

MRKR

