

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

**ARBITRATION APPLICATION No.99 OF 2012**

**ORDER:**

Read Order, dated 14.09.2018, which is as follows:-

“The respondent, who has initiated arbitration by appointing an Arbitrator, submits that he would be open to sole Arbitrator being appointed.

However, learned counsel for the applicant submits that there is a Three Member Arbitral Tribunal already in seizure of disputes in similar contracts between the parties and, therefore, it would be worthwhile to consider whether the same Tribunal could take over these arbitral proceedings as well.

Learned counsel for the respondent seeks time to make submissions in this regard.

Post after two weeks.”

2. This is an Application for a measure under Section 11(6) of the Arbitration and Conciliation Act, 1996; “for short, the A&C Act”.
3. The Order, dated 14.09.2018, quoted above, shows that the parties are before the Three Member Arbitral Tribunal in relation to other matters as between them. It is agreed to by the learned counsel for the parties, as duly instructed by the parties to this Application, that they would abide to go for arbitration and submit to the jurisdiction of the same Three Member Arbitral Tribunal.
4. For the aforesaid reasons, this Application is allowed constituting Sri Justice M.Jagannadha Rao, Sri Justice B.P.Jeevan Reddy, former Judges of Hon'ble Supreme Court and Sri Justice N.R.L.Nageswara Rao, former Judge of this Court, as the Arbitral Tribunal to arbitrate on the disputes between the applicant and the respondent, including the claims and counter claims of both sides.

The said Arbitral Tribunal shall enter on reference and proceed with,  
as enjoined by the A&C Act. No order as to costs.

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**THOTTATHIL B. RADHAKRISHNAN, CJ**

30.11.2018  
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