

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

ARBITRATION APPLICATION No.45 of 2017

ORDER:

Sri Krishna Devan, learned counsel for the respondent, submits that he has given up vakalat. That submission is recorded.

2. There is no alternative arrangement made by the respondent. This may well proceed accordingly.

3. Paragraphs 11.2 and 11.3 of the Licence Agreement contain the provision for arbitration. It is shown that the respondent has not responded to the intention of the applicant to go for arbitration.

4. Disputes arose between the applicant and the respondent to be resolved through arbitration. Though the applicant appears to have chosen an arbitrator, there is nothing to show that the said person has consented to the arbitration.

5. The Arbitration Application is, therefore, allowed appointing Sri Ch.K.Durga Rao, Retired District and Sessions Judge, as the arbitrator to arbitrate on the disputes between the applicant and the respondent and the said arbitrator shall enter on reference and proceed with, as enjoined by the Arbitration and Conciliation Act.

Miscellaneous petitions, if any, pending in the Arbitration Application, shall stand closed. No costs.

THOTTATHIL B. RADHAKRISHNAN, CJ

03.08.2018
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