

HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

Arbitration Application No.61 of 2017

ORDER:

This application is filed, under Section 11(4) and (6) of the Arbitration and Conciliation Act, 1996, seeking appointment of an arbitrator on behalf of the respondent.

The arbitration clause in the agreement dated 18.01.2010, entered into between the applicant and the respondent, provides, in Clause 36, for arbitration. Clause 36(B)(iv) stipulates that the arbitral tribunal shall be composed of three arbitrators; both the parties shall appoint one arbitrator each; and the two arbitrators, so appointed, shall appoint the third arbitrator who shall act as the coordinator/umpire. By the letter, addressed on behalf of the applicant, dated 06.03.2017 the respondent was informed that the applicant had nominated Justice Vilas V. Afzulpurkar, Retired Judge of this High Court, as their arbitrator; and the respondent should intimate their nominee arbitrator within 10 days, failing which the applicant would take appropriate steps. As no response was forth coming from the respondent, the applicant has invoked the jurisdiction of this Court.

Sri Tarun G. Reddy, Learned Counsel for the respondent, would fairly state that the arbitration clause in the agreement is in force; and the respondent is agreeable for an arbitrator to be appointed, on their behalf, by this Court.

I consider it appropriate, in such circumstances, to appoint Sri Justice L.Narasimha Reddy, (Retired Chief Justice of the Patna High Court), H.No.2-2-25/3/3, Durgabai Deshmukh Colony, Near O.U. Campus, Baghamberpet, Hyderabad – 13, as the arbitrator on

behalf of the respondent. The Learned arbitrator shall fix his remuneration, and incidental charges for the arbitration proceedings, in consultation with the parties. Both the arbitrators shall appoint a third arbitrator to resolve the disputes between the parties. The panel of arbitrators is requested to 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. They are also requested to hold sittings, as far as possible, in the mediation centre of the High Court.

The Arbitration Application is, accordingly, disposed of. The miscellaneous petitions pending, if any, shall also stand disposed of. There shall be no order as to costs.

RAMESH RANGANATHAN, ACJ

Date: 25.01.2018.

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