

HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

ARBITRATION APPLCIATION No.31 of 2016

ORDER:

The memorandum of understanding, entered into between the applicant and the respondent on 01.10.2012, contains an arbitration clause. Clause 4 of the said MOU relates to arbitration and, under clause 4.2, any dispute arising out of or in connection with the MOU, including any question regarding its existence, validity or purported termination, shall be referred to and finally resolved by arbitration, the proceedings which are agreed to be held at Hyderabad.

The fact that an arbitrable dispute exists between the parties is not in dispute. While the applicant's Counsel, by his letter dated 23.09.2015, suggested that the respondent should agree to one of the three arbitrators (all of them retired High Court Judges) suggested by the applicant, the respondent's Counsel in turn, by his letter dated 13.10.2015, suggested another list of three retired judges of this Court different from the three names suggested by the applicant. The applicant was, however, unwilling to have the dispute adjudicated by any one of the three arbitrators suggested by the respondent; and, as a result, they have invoked the jurisdiction of this Court.

While both Sri B. Chandrasen Reddy, Learned Counsel for the applicant and Sri C. Sharan Reddy, Learned Counsel for the respondent, would request this Court to appoint an arbitrator, both of them would submit that none of the three arbitrators, suggested by the other side, be appointed as arbitrator. As there is an arbitration agreement between the parties, and as the parties do not desire to have any one of the six arbitrators (three suggested by the applicant and the

three others suggested by the respondent) appointed as an arbitrator, I consider it appropriate to appoint Sri Justice M. Venkateswara Reddy, Villa NO.1, Maple town-1, Sun City, Bandlaguda Jagir, Donbosco Post, Hyderabad – 500 086, as the sole arbitrator. The Learned Arbitrator shall fix his remuneration, and incidental charges for the arbitration proceedings, in consultation with the parties. He shall complete arbitration proceedings, and pass an award at the earliest, preferably within a period of six months from the date of commencement of the arbitral proceedings. He is 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 stand closed. No costs.

Date: 06.07.2018

MRKR

RAMESH RANGANATHAN, ACJ

