

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

ARBITRATION APPLICATION No.24 of 2016

ORDER:

This is an application seeking reference of disputes between the parties in relation to certain claims as between an Architect and a Builder.

2. The contract between the parties could not be enforced without judicial intervention, since the method of appointment prescribed does not appear to be working in view of the intervening facts and circumstances referable to the failure of the authority entrusted to arbitrate.

3. In the aforesaid situation, learned counsel on either side, with the consent of their parties, have agreed that an order may be issued appointing Sri Sanjiva Rao Naidu, Retired District Judge, as the Arbitrator and to have the arbitral proceedings at Visakhapatnam in terms of the agreement between the parties.

4. In the result, this Arbitration Application is allowed appointing an Arbitrator.

5. Accordingly, Sri K.Sanjeeva Rao Naidu, Retired District and Sessions Judge, is appointed as Arbitrator to arbitrate on the disputes between the applicant and the respondent, including the claims and counter claims of both sides. The said Arbitrator shall enter on reference and proceed with, as enjoined by the Arbitration and Conciliation Act, 1996.

No order as to costs. Miscellaneous applications, if any, pending in the Arbitration Application, shall stand closed.

THOTTATHIL B. RADHAKRISHNAN, CJ

14.09.2018
vs