

THE HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

Arbitration Application No.7 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. A sub-contract agreement was executed between the applicant and the respondent on 12.02.2010. Clause 21 of the said agreement stipulates that all disputes, between the contractor and the sub-contractor, shall be resolved by mutual discussion; in the event of their not being able to, then, and in such an event, both the parties herein shall nominate one arbitrator each, and such arbitrators shall elect a third arbitrator/umpire; the arbitration proceedings shall be conducted in English with sittings at Hyderabad only; the award passed by such arbitral Tribunal shall be final and binding on both the parties; and any dispute, under the agreement between the parties, shall be subject to the jurisdiction of the Courts situated at Hyderabad only.

The learned Counsel for the applicant was permitted to take out notice on the respondent by the order of this Court dated 29.12.2017; and, while proof of service of notice is filed which shows that the notice was received by the respondent on 08.01.2018, no counsel has entered appearance on behalf of their behalf. The arbitration clause, referred to here in above, required both the applicant and the respondent to appoint one arbitrator each, and both the arbitrators to appoint a third arbitrator/umpire. The applicant has appointed Sri K.Satish, Retired Executive Engineer, R & B, as an arbitrator on their behalf.

The present application is filed seeking appointment of an arbitrator on behalf of the respondent.

I consider it appropriate, therefore, to appoint Sri R. Damodar, (Retired District Judge), R/o.Flat No.204, M.N.R. Sripadam Apartments, Road No.13, House No.11-13-1/2/1/A, Alakapuri Colony, Saroornagar, Ranga Reddy District – 500 035, 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, in turn, appoint a third arbitrator to resolve the disputes between the parties. The panel of arbitrators shall complete 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:23.03.2018

Note:
Issue C.C. by 28.03.2018.
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