

HON'BLE THE ACTING CHIEF JUSTICE RAMESH RANGANATHAN

ARBITRATION APPLICATION NO.74 OF 2017

ORDER:

The Project Development agreement dated 04.07.2016, entered into between the applicant on the one hand and the respondent on the other, contains an arbitration clause.

Clause 13.1 reads thus:

“All disputes and differences between the parties hereto arising or touching this presents or determination of any liability shall be resolved by mutual discussions between the owner and Developer in case the same is not resolved mutually then the same shall be submitted for Arbitration in accordance with the provisions of Arbitration and Conciliation Act, 1996 and any statutory modifications or re-enactments thereof, to sole Arbitrator to be appointed as per the mutual consent of the parties, whose decision shall be final and binding on the parties. The parties shall bear and pay their respective costs, charges and expenses of the arbitration proceedings. The place of arbitration shall be at Hyderabad.”

While the applicant, by his notice dated 19.06.2017, proposed the name of Dr. Chellappa as the sole arbitrator and sought the respondents consent, Sri U. Muralidhar Rao, Learned Counsel for the respondent, would submit that, while the respondents are not agreeable for the present nominated by the applicant to be the arbitrator, they are agreeable for a retired High Court Judge being appointed as the sole arbitrator to resolve the disputes between the parties. Sri S. Suman, Learned Counsel for the applicant, readily agrees for such an order to be passed contending that, since the claim of the applicant exceeds Rs.11.5 crores, it is but appropriate that a High Court Judge be appointed as the arbitrator.

In such circumstances, I consider it appropriate to appoint Hon'ble Sri Justice V.V.S. Rao, H. No.165/3, Street No.6, Baghlingampally, Hyderabad-44, (Retired), 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 the 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 Applications is, accordingly, disposed of. The miscellaneous petitions pending, if any, shall stand closed. No costs.

RAMESH RANGANATHAN, ACJ

Date: 05.01.2018.

MRKR

