

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

ARBITRATION APPLICATION No.40 of 2013

ORDER:

This is an application seeking appointment of an Arbitrator and for requisite measure in terms of the provisions of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as 'the A&C Act').

2. Though notice is served, this application is not opposed and no counter affidavit is filed.

3. Clause 23.1 of the registered Development Agreement – cum – Irrevocable General Power of Attorney between the parties, dated 15.12.2007, provides for arbitration. It reads as follows:

“23.1. In case any of dispute arising out of this Agreement with regard to the interpretation of Clauses or any other dispute, the same shall be referred to a mutually appointed arbitrator for resolution. During the pendency of such Arbitration proceedings, the Developer is entitled to carry on the construction works on the Schedule Property. The provisions of the prevailing Arbitration & Conciliation Act, 1996 shall govern all proceedings of such Arbitration.”

4. The existence of disputes between the parties is established going by the pleadings and materials on record. As the respondent has also not opposed this application, the requisite measure to be taken is to appoint a sole Arbitrator.

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

6. Accordingly, Sri A.Nava Mohan Rao, 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 A&C Act.

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

20.09.2018
vs



THOTTATHIL B. RADHAKRISHNAN, CJ