

The Hon'ble Sri Justice C.V.Nagarjuna Reddy

and

The Hon'ble Sri Justice Gudiseva Shyam Prasad

Writ Petition No.25335 of 2018

Date: 26.07.2018

Between:

Siliveru Ramanjaneyulu

... Petitioner

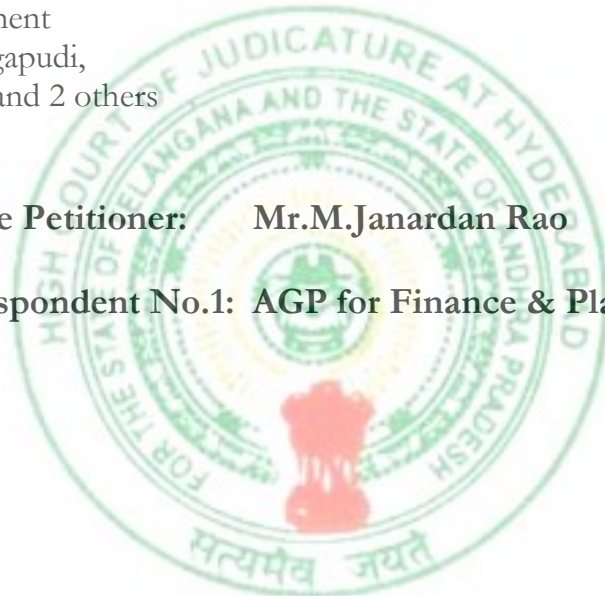
and

The State of Andhra Pradesh
Rep. by the Prl.Secretary
Finance Department
Secretariat, Velagapudi,
Guntur District and 2 others

...Respondents

Counsel for the Petitioner: Mr.M.Janardan Rao

Counsel for respondent No.1: AGP for Finance & Planning



The Court made the following:

Order: (Per the Hon'ble Sri Justice C.V.Nagarjuna Reddy)

This Writ Petition is filed for a Mandamus to set aside award, dated 08-02-2018, in AOP.No.432/2017, as being contrary to the provisions of Sections 11 and 34(2)(ii) & (iii) of the Arbitration and Conciliation Act, 1996 (for short 'the Arbitration Act').

The petitioner, allegedly, borrowed a sum of Rs.3 lakhs from respondent No.3. Alleging that the said amount was not repaid by the petitioner, respondent No.3 has referred the dispute to respondent No.2- sole arbitrator, purportedly, in terms of the agreement entered between it and the petitioner. Respondent No.2 has passed award on 08-02-2018. Assailing this award, the petitioner filed the present Writ Petition alleging various legal infirmities.

After hearing Mr.M.Janardan Rao, learned Counsel for the petitioner, we are of the opinion that this Writ Petition is not maintainable as respondent No.2 being a private arbitrator between the petitioner and respondent No.3, having acted under the purported agreement, is not amenable to the jurisdiction of this Court and consequently, his award cannot be questioned by invoking the public law remedy like a Writ Petition. If the

petitioner feels aggrieved by the arbitral award, the appropriate remedy for him is to question the same by invoking the provisions of Section 34 of the Arbitration Act.

In this view of the matter, the Writ Petition is dismissed as not maintainable, however, with liberty to the petitioner to avail appropriate legal remedy in terms of the above observation.

As a sequel to dismissal of the Writ Petition, IA.No.1 of 2018, filed by the petitioner for interim relief, is disposed of as infructuous.



(C.V.Nagarjuna Reddy, J)

(Gudiseva Shyam Prasad, J)

Dt: 26th July, 2018
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