

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

ARBITRATION APPLICATION Nos.117, 118 and 119 OF 2017

COMMON ORDER:

These applications are filed for appointment of an Arbitrator for requisite measure under sub-sections (5) and (6) of Section 11 of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as 'the Act').

2. Heard the learned counsel for the applicant and the learned counsel for the respondent in the light of the pleadings on record.

3. The existence of arbitration clauses in the agreements between the parties in these three cases is not in dispute. Though there were attempts to settle the matter out of Court even during the pendency of these applications, the same have not fructified. It is also the plea of the respondent-Municipal Corporation that the works executed by the applicant were taken up under the Centrally sponsored Scheme of 'JNNURM' and the funds of that Scheme are yet to be released by the Government of India and the Government of Andhra Pradesh. It is also pleaded by the respondent that the final bills which are under process and at check stage, will be released. The plea is that there is no delay on the part of the respondent. It is also suggested that fee and expenses for arbitration may be reasonably regulated having regard to the scope of the reference, if made.

4. Evidently, there are disputes between the parties. Therefore, requisite measure in terms of the Act has to be resorted to.

5. In the result, the Arbitration Applications are allowed appointing an Arbitrator.

6. Sri A. Shankar Narayana, former Judge of this Court, is appointed as the Arbitrator to arbitrate on the disputes between the applicant and the respondent in these three cases and the said Arbitrator shall enter on reference and proceed with, as enjoined by the Act. The Arbitrator will be at liberty to determine his fee and amounts towards expenses, also taking note of what is stated in paragraph-3 above.

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

Date: 30th August, 2018

pnb

THOTTATHIL B. RADHAKRISHNAN, CJ

