

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

ARBITRATION APPLICATION Nos.84 AND 85 OF 2014

COMMON ORDER:

These are Applications for measure under Section 11(5) and (6) of the Arbitration and Conciliation Act, 1996; "for short, the A&C Act".

2. The agreements are similar, the arbitration clauses are similarly worded and the parties are same and therefore, these matters are taken up together and are being decided through this Common Order.

3. Heard learned counsel for the applicants and the learned counsel for the respondents.

4. The primary contention of the respondents in objection to these applications is that no negotiations are resorted to, before proceeding for a request for arbitration. Having regard to the contentions on record and the nature of the agreements, it is not imperative that recourse to arbitration ought to be made only after negotiations fail.

5. Under such circumstances and also in view of the existence of the disputes, this application is eligible to be allowed taking requisite measure under Section 11(5) and (6) of the A&C Act.

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

7. Accordingly, Sri K.Sanga Reddy, Retired District Judge, Flat No.108, Babu Khan Aneesha Towers, Walker Town, Padmarao Nagar, Secunderabad, is appointed as Arbitrator to arbitrate on the disputes

between the applicants and the respondents, 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.

THOTTATHIL B. RADHAKRISHNAN, CJ

26.10.2018
pln

