

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

ARBITRATION APPLICATION No.30 of 2019

ORDER :

This Arbitration Application is filed under Section 11(5) and (6) of the Arbitration and Reconciliation Act, 1996 (for short 'the Act') to appoint sole Arbitrator to adjudicate the dispute between the parties arising out of a Memorandum of Understanding dt.02-05-2016.

2. Clause 21 of the said Memorandum of Understanding contains an arbitration clause and states:

"21. The Parties herein have mutually agreed that if any misunderstandings or disputes arise between the parties, such matters shall be referred to the Arbitrator for arbitration and Arbitrator's Award shall be binding on the both parties. The seat of Arbitrator/Courts is subject to Hyderabad jurisdiction only."

3. It is the contention of the applicant that notice dt.26-12-2018 was issued to the respondent invoking the arbitration clause and even suggesting the name of an arbitrator; that the said notice was returned 'unclaimed'; that it is therefore deemed that the notice is served; and this Court ought to appoint an arbitrator to adjudicate the dispute between the parties.

4. In this application also, notice was taken out to the respondent by the applicant and also through Court. The notice sent by RPAD through Court was also returned with an endorsement 'unclaimed'.

5. Since the respondent has not shown any valid cause why the arbitrator cannot be appointed, and since the MoU contains an arbitration clause which has been invoked by the notice dt.26-12-2018 which is deemed to be served, this application is allowed and Sri Justice P.Venkatarama Reddi, retired Supreme Court Judge, B-12, Stone Valley Apartments, Road No.4, Banjara Hills, Hyderabad, to be the arbitrator to adjudicate the disputes between the parties arising out of the same Memorandum of Understanding. No costs.

6. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 08-08-2019

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