

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

ARBITRATION APPLICATION No.28 of 2019

ORDER:

Heard both sides.

This Arbitration Application is filed under Section 11(5) and (6) of the Arbitration and Conciliation Act, 1996 to appoint an Arbitrator on behalf of the respondent or in the alternative to appoint a proper person as the sole arbitrator to adjudicate all the disputes between the applicant and the respondent arising out of or in connection with Supply of Agreement dt. 23.09.2009 and Service Agreement dt. 16.04.2010 issued to the applicant by the respondent.

Clause 17 of the Supply Agreement and Clause 17 of the Service Agreement both contemplate an initial Informal Dispute Resolution by negotiations and on its failure, to refer to arbitration by Arbitral Tribunal consisting of three arbitrators. The place of arbitration is agreed to be in Hyderabad.

It is not in dispute that the applicant initially invoked the arbitration clauses through a legal notice dt. 22.07.2017 and appointed its arbitrator and communicated the said notice by speed post to the respondent. Later, the said arbitrator appointed by the applicant withdrew her consent, and in the place of the said arbitrator another person was nominated as arbitrator by the applicant by legal notice dt. 04.01.2018 and communicated it to represent through Registered Post With Acknowledgment Due to the respondent.

Though in this arbitration application, Sri V. Rupesh Kumar Reddy had filed appearance for the respondent on 17.06.2019, he did not appear before the court on 01.07.2019 and the matter is listed today for *ex parte* hearing. Today also the counsel for the respondent

is absent. There is also no counter affidavit by the respondent opposing the contentions of the applicant that there is a dispute between the parties and that the said dispute could not be resolved by the Informal Dispute Resolution Mechanism agreed by the parties.

Therefore, this Arbitration Application is allowed and Hon'ble Sri Justice N. Ravi Shankar, former judge of this court is appointed as an Arbitrator for the respondent and Sri G.V. Seethapathy, is appointed as the Presiding Arbitrator to adjudicate the disputes between the applicant and the respondent arising out of the Supply Agreement (Bearing Contract No.MPL/ZAMIL/TG BUILDINGS STR/SUPPLY/FOR-SITE/008 dt. 23.09.2009), and Service Agreement (Bearing Contract No.MPL/ZAMIL/TG BUILDINGS/SERVICES/0017 dt. 16.04.2010). No order as to costs.

Miscellaneous petitions pending, if any, shall stand closed.

M.S. RAMACHANDRA RAO, J

Date: 17.07.2019.

MRKR

Note: *Copy to be marked to*

1. Hon'ble Sri Justice N. Ravi Shankar (Retired),
H. No.1-96/1, Prabath nagar,
Chaitanyapuri,
Near Ganga Hospital,
Hyderabad – 60
2. Hon'ble Sri Justsice G.V. Seethapathy,
H. No.5-8-30/34,
Govardhanpuri Gardens,
Yapral,
Secunderabad – 87.