

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

ARBITRATION APPLICATION NO.74 OF 2019

ORDER

This application is filed under Section 11(4)(b) of the Arbitration and Conciliation Act, 1996 (for short 'the Act') read with Scheme for Appointment of Arbitrator, 1996, to appoint an Umpire, to adjudicate the claims and disputes between the applicant and respondent pursuant to the development agreement cum general power of attorney dated 27.07.2007.

Sri J.Prabhakar, learned counsel appearing for contesting respondents 3 to 7 submits that clause 17 of the development agreement cum general power of attorney dated 27.07.2007 provides for appointment of named arbitrators. He further submits that though the said clause in the agreement, does not provide for appointment of an umpire, the Act mandates the same, and, therefore, both the parties have agreed to appoint Sri S.M.Rafi, District Judge (Retired), as an umpire arbitrator.

In view of the above submission, this application is disposed of appointing Sri S.M.Rafi, District Judge (Retired), as umpire arbitrator.

The learned Umpire Arbitrator shall be entitled to fees as per the rates specified in the Fourth Schedule to the Act of 1996, inserted by Act 3 of 2016 with effect from 23-10-2015, which shall be borne by both parties in equal proportion.

It is open to both the parties to raise all the contentions available under law, in support of their claim.

Interlocutory applications pending, if any, shall stand closed. No order as to costs.

A.RAJASHEKER REDDY,J

DATE:31—12—2019

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