

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

Arbitration Application No.42 of 2018

ORDER :

Heard Sri P. Kamlakar, counsel for applicant and Sri A. Venkatesh, counsel for respondents.

2. This arbitration application has been filed for appointment of a Sole Arbitrator invoking Sections 11(5) and (6) of the Arbitration and Conciliation Act, 1996 for adjudicating dispute between applicant and respondents arising out of the Development Agreement-cum-General Power of Attorney dt.21.02.2014 entered into between applicant and respondents.

3. Clause 45 of the said agreement contains the Arbitration Clause, and it states as follows :

“45. All the disputes arising out of or in connection with this agreement shall be initially resolved by mutual discussions among the Developer and Land owners or the nominated representatives of both the parties. In case of disputes not resolved by mutual discussions, the same shall be referred to the arbitration in accordance with the provisions of the Arbitration and Conciliation Act, 1996. The disputes shall be referred to the mutually agreed arbitrator. The award of Arbitrator shall be binding and final on both the parties.”

4. Invoking the said Clause, the applicant had addressed a Legal Notice dt.08.02.2018 to respondents proposing the name of Justice B. Prakash Rao, former Judge of this Court as the Sole Arbitrator to adjudicate dispute between the parties.

5. The respondents having received the same did not respond to it.

6. It is alleged by applicant that subsequently on 24.04.2018, the respondents terminated the Development Agreement-cum-General Power of Attorney dt.21.02.2014, and that the applicant sent a reply notice dt.03.05.2018 disputing the same.

7. From the facts narrated above, it is clear that dispute has arisen between the parties out of the Development Agreement-cum-General Power of Attorney dt.21.02.2014.

8. The counsel for respondents states that respondents have no objection for appointment of a Sole Arbitrator leaving open all the defenses they are entitled to raise against the claim of applicant to be adjudicated in the said Arbitration.

9. In this view of the matter, Justice D. Appa Rao, R/o. H.No.1-10-125, Flat No.401, 'C' Block, R.K. Towers, Mayuri Marg, Begumpet, Hyderabad – 500 016, Telephone No.040 2776 3050, Mobile No.99495 89595 is, therefore, appointed as a Sole Arbitrator to adjudicate the dispute between the parties arising out of the aforesaid Development Agreement-cum-General Power of Attorney dt.21.02.2014.

10. Accordingly, the Arbitration Application is allowed as above.
No order as to costs.

11. As a sequel, miscellaneous petitions pending if any in this Arbitration Application, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 26.06.2019

Ndr/*

