

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

Arbitration Application No.95 of 2019

O R D E R

The case of the applicant is that he entered into a revised employment agreement dated 12.07.2017 with the respondent and as the disputes arose, he issued legal notice dated 26.07.2019 to the respondent seeking to invoke the dispute resolution mechanism under 17.2.2 of the agreement dated 12.07.2019, and as the respondent, in spite of receipt of notice, failed to respond and resolve the same, he filed the present application under Section 11(5) and (6) of the Arbitration and Conciliation Act, 1996 read with Scheme for Appointment of Arbitrator, 1996, seeking to appoint Sri Justice B.Seshasaina Reddy, retired Judge of the erstwhile High Court of Andhra Pradesh, to adjudicate the claims and disputes between the applicant and the respondent.

Heard the learned counsel for the applicant.

Though notice is served in the present arbitration application, there is no representation on behalf of respondent, and no counter affidavit is filed disputing the assertions made by the applicant.

Perusal of the agreement dated 12.07.2017 shows that a dispute resolution mechanism is provided, and the relevant clause which provides for referring the dispute to arbitration is, Clause 17.2.2. The same is extracted as under:

“17.2.2: Subject to clause 15.2.1, all disputes shall be referred to a sole arbitrator.”

Since the respondent has not filed any counter affidavit, despite service of notice, the assertions of the applicant for referring the dispute to arbitration, remained un-rebutted.

Accordingly, this arbitration application is allowed and Sri B. Seshasayana Reddy,J is appointed as arbitrator to adjudicate the claims and disputes between the parties and pass award in accordance with law.

The learned Arbitrator is 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.

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

A.RAJASHEKER REDDY,J

Date:02—12—2019

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