

THE HON'BLE THE CHIEF JUSTICE SRI THOTTATHIL B. RADHAKRISHNAN

ARBITRATION APPLICATION No.63 OF 2018

ORDER:

This is an Application for a measure under Section 11(5) of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as 'the Act').

2. The Memorandum of Understanding – cum – Non Disclosure Agreement, dated 15.09.2014, as between the parties is placed on record. Clause 14 of that Agreement contains the arbitration clause.

It reads as follows:-

“14. ARBITRATION

14.1 Should there be any dispute or difference of opinion regarding this Agreement or other contracts, the Parties will make all efforts to amicably settle such disputes. Efforts at reaching an amicable settlement will be deemed to have failed as soon as one of the contractual Parties informs the other in writing about such a deadlock.

14.2 If efforts at amiable settlement fail, all disputes arising out of this Agreement or its validity will be finally decided in accordance with the provisions of the Arbitration and Conciliation Act, 1996. This arbitration shall be by a sole arbitrator appointed by AMS and CYME (CTO is integral part).

14.3 The decision of the arbitrator so appointed shall be binding upon the Parties. The proceedings shall be held at Hyderabad and conducted in the English language.”

3. The respondent has not contested the matter. No counter affidavit is filed. There is no dispute as to the existence of the arbitration agreement.

4. Under such circumstances, sole arbitrator is required to be appointed as it would be the requisite measure in terms of Section 11(5) of the Act.

5. In the result, the Arbitration Application is allowed appointing an Arbitrator.

6. Sri K. Sanga Reddy, retired District Judge, is appointed as the Arbitrator to arbitrate on the disputes between the applicants and the respondent and the said arbitrator shall enter on reference and proceed with, as enjoined by the Act.

No order as to costs. Miscellaneous applications, if any, pending in the Arbitration Application, shall stand closed.

THOTTATHIL B. RADHAKRISHNAN, CJ

Date: 24.08.2018
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