

THE HONOURABLE SRI JUSTICE M.S.RAMACHANDRA RAO

ARBITRATION APPLICATION No.76 of 2015

ORDER :

Heard Sri S.V.R.Subrahmanyam, learned counsel for applicant and Sri S.Ravi, learned Senior Counsel appearing for Sri Ch.Pushyam Kiran, learned counsel for respondent.

2. This Arbitration Application is filed under Section 11(5) and (6) of the Arbitration and Reconciliation Act, 1996 (for short 'the Act') seeking appointment of an Arbitrator to decide the dispute between the applicant and respondent arising out of an agreement dt.17-07-2009 executed between the parties.

3. Though it is the contention of the counsel for applicant that through counsel, a notice dt.07-04-2015 was issued to the respondent invoking the arbitration clause and seeking the respondent to agree for appointment of sole arbitrator to adjudicate the dispute between the parties, proof of service of said notice on respondent has not been filed.

4. Under Section 3 of the Act, the method of communication of such notice is prescribed. Under Section 11(4)(a) of the Act, only if such request to appointment of arbitrator is received by respondent, and he does not respond within 30 days, Section 11(b) of the Act can be invoked.

5. In this view of the matter, since the notice dt.07-04-2015 allegedly issued by application is not shown to have been served on respondent, this application fails and is dismissed. No costs.

6. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 08-08-2019

Vsv

