

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

TUESDAY, THE TWENTY NINTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY

PRESENT

THE HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

ARBITRATION APPLICATION NO: 155 OF 2014

Between:

Chabbras Associates, a partnership Firm having its Regd. Office at 11-1-776/14,
Chilkalguda, Secunderabad represented by its Managing Partner Ramesh Chabbra

...Petitioner

AND

1. Andhra Pradesh Tourism Development Corporation Limited, (Presently known as
Telangana Tourism Development Corporation Limited) represented by its
Managing Director and/or Nominee, having its office at "Tourism House", 3-5-
891, Himayathnagar, Hyderabad - 500 029.
2. The Superintending Engineer, APTDC Ltd., Office at "Tourism House", 3-5-891,
Himayathnagar, Hyderabad - 500 029.
3. Telangana Tourism Development Corporation Limited, rep. by its Managing
Director and or nominee, having its office at "Tourism House", 3-5-891,
Himayathnagar, Hyderabad - 500 029.
4. The Superintending Engineer, Telangana Tourism Development Corporation
Limited, Office at "Tourism House", 3-5-891, Himayathnagar, Hyderabad - 500
029.

(Respondent Nos. 3 & 4 are impleaded vide C.O. dated 28-11-2014 in Arb.
Appl. M.P. No. 1097 of 2014)

...RESPONDENTS

Arbitration Application Under Section 11 (5) and (6) of the Arbitration and
Conciliation Act, 1996 read with Scheme of Appointment of Arbitrator, 2006 praying
that in the circumstances stated in the affidavit filed therewith, the High Court may be
pleased to

i) appoint a sole arbitrator to adjudicate the claims and disputes between the
petitioner and Respondents.

ii) award costs of the petition.

This Application coming on for hearing, upon perusing the Application and
affidavit filed in support thereof and upon hearing the arguments of Sri AARIFA
IMRAN KHAN, advocate for the Petitioner and THE ADVOCATE GENERAL for
Respondent

The Court made the following: ORDER

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

Arbitration Application No. 155 of 2014

ORDER:

Arbitration application is filed under Section 11 (5) & (6) of the Arbitration and Conciliation Act, 1996, (for short, "the Act") for appointment of an Arbitrator to adjudicate the disputes and claims between the parties arising out of the Agreement dated 25.10.2007 entered into by them.

02. There is no dispute as to mentioning of an arbitration clause under Clause 22, "settlement of disputes", as a mechanism for dispute resolution in case of any disputes in connection therewith and invocation thereof by issuance of notice dated 01.09.2014, wherein and whereby the applicant proposed the names of Sri Justice P. Swaroop Reddy and Dr. Justice KG Shankar, former High Court Judges Court, and while refusing to accede to the Arbitrators proposed by the applicant, the respondents instead proposed the names of Sri Justice V. Eswaraiah and Sri Justice Anand Reddy, former Judges of the High Court as their Arbitrators. Both parties rejected the Arbitrators proposed by each other for one reason or the other. Hence, this arbitration application for appointment of a sole Arbitrator.

03. There is no dispute as to the mention of the arbitration clause in the agreement dated 25.10.2007 and the invocation thereof by the applicant. There exists a dispute in relation thereto, which is evident from the exchange of notice and reply notice by the parties and even nomination of their respective Arbitrators which goes to show that there

exists a dispute and the invocation of the arbitration clause by both the parties is evident. After 2015 Amendment Act, whereby Section 11 (6A) is brought in, the scope of enquiry under Section 11 of the Act is limited to examination of existence of arbitration clause and its invocation by the party aggrieved, and in this case both requirements are met.

04. Heard learned counsel for the contesting parties.

05. Since there is no consensus between the parties with regard to naming the sole arbitrator, this Court is of the opinion that independent arbitrator needs to be nominated.

06. Accordingly, the arbitration application is allowed nominating **Sri Justice Reddy Kantha Rao** as sole Arbitrator for deciding the disputes between the parties arising out of agreement dated 25.10.2007. It is needless to mention that all contentions are kept open for the parties to be raised before the learned Arbitrator.

Sd/- B.S.C. CHIRANJEEVI,
JOINT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The Hon'ble Sri Justice Reddy Kantha Rao, Flat No. 101, 1st Floor, Vamshi Valley View Jubilee Hills, Near Apollo Hospital, Hyderabad.
(with a copy of Arbitration Application affidavit and entire material papers
(By special Messenger)
2. One CC to Sri Aarifa Imran Khan, Advocate [OPUC]
3. Two CCs to the Advocate General, Telangana High Court, Hyderabad. (OUT)
4. Two C.D.Copies



HIGH COURT

ARR J

DATED:29/12/2020

ORDER

ARB.APPLN.No.155 of 2014



ALLOWING THE ARBITRATION APPLICATION

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HMA
08/02/2021