

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

ARBITRATION APPLICATION No.34 of 2019

ORDER :

This Arbitration Application under Section 11 of the Arbitration and Conciliation Act, 1996 (for brevity "the Act") is filed by the applicant seeking appointment of an Arbitrator for resolution of the disputes between the applicant and the respondent arose out of the Registered Marketing and Reselling Agreement vide document No.2939/2008, dated 01-11-2007.

The case of the applicant is that the respondent entered into Marketing and Reselling Agreement with him in respect of agricultural land admeasuring Ac.12-19 guntas covered by Sy.Nos 1248/AA, 1248/E and 1253/AA situated at Nandigoan Village, Kottur Mandal, Mahaboobnagar District. During the course of execution of said agreement, the applicant fulfilled the obligations under the agreement, but the respondent failed to fulfill the obligations. As such, disputes arose regarding payment of amounts. On that the petitioner issued legal notice dated 16-10-2018. Though the same was served, there is no response from the respondent. Hence this application is filed.

Though notice is served, no counter affidavit is filed and there is no appearance for respondent.

It is to be seen that Clause No.19 of the Registered Marketing and Reselling Agreement vide document No.2939/2008, dated 01-11-2007 provides for arbitration, which reads as under:

"In case of any difference of opinion about this Agreement, the same shall be referred to a single arbitrator, mutually acceptable to both parties whose decision shall be final and binding on both the parties."

In pursuance of the said Arbitration Clause, the applicant has already issued a Legal Notice on 16-10-2018. But there was no response from the respondent. As such, in view of assertions made by the applicant and in view of facts and circumstances stated above, this application needs to be allowed.

Accordingly, this Arbitration Application is allowed appointing Sri Narsimha Chary, Retired Senior Civil Judge, as the sole Arbitrator for resolution of dispute(s) between the applicant and respondent, arising out of Registered Marketing and Reselling Agreement vide document No.2939/2008, dated 01-11-2007 in accordance with the provisions and mandate of the Act of 1996. The learned Arbitrator shall be 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 measure. No order as to costs.

As a sequel, miscellaneous applications pending, if any, shall stand closed.

A. RAJASHEKER REDDY, J

06-01-2020

Note:

Mark a copy to Sri Narasimha Chary,
H.No.2-2-18/18/3/3, Flat No.101,
Raja Gruha Apartments, C-32/8,
Durgabai Deshmukh Colony,
Hyderabad-500013.
Cell No.8074924976.
B/o.
Nvl



HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

ARBITRATION APPLICATION No.84 of 2019



02-01-2020

Nvl