

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

ARBITRATION APPLICATION No.51 of 2019

ORDER:

By way of this application filed under Section 11 of Arbitration and Conciliation Act, 1996 (for short "the Act"), the petitioner seeks appointment of an Arbitrator for resolution of disputes arising under the Lease Agreement dated 04-03-2010 entered into by and between them.

As disputes arose between them and it is the allegation of the petitioner that respondents have breached the terms of the Lease Agreement dated 04-03-2010 by not repaying the security deposit money, the petitioner got issued legal notice dated 04-01-2019 invoking the arbitration clause no.8.2 under the Lease Agreement to settle the dispute. The Arbitration clause no.8.2 of the Lease Agreement provides for dispute to be referred to arbitration at Hyderabad.

Learned counsel for the petitioner states that notice is served on the respondents, reply to the notice was filed by the them, not agreeing to arbitration and to the nomination of the arbitrator.

Clause 8.2 of the Lease Agreement provides for arbitration, and this arbitration application is filed for nomination of the arbitrator as the respondents refused the nomination of the arbitrator by the petitioner. Though notice is served, the no counter affidavit is filed in the application. Inasmuch as the Lease Agreement provides for arbitration clause under Clause no.8.2 and there arose a dispute between the parties, the arbitration application is liable to be allowed.

Accordingly, the arbitration application is allowed appointing Sri N. Praveen Reddy, Advocate, as the sole Arbitrator for resolution of dispute(s) between the petitioner and respondents, arising out of Lease Agreement dated 04-03-2010, 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 proportion. No order as to costs.

A.RAJASHEKER REDDY,J

Dated: 07-01-2020
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Copy to :: Sri N. Praveen Reddy, Advocate,
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Banjara Hills, Hyderabad – 34
(b/o)
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