

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

ARBITRATION APPLICATION No.76 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 parties arising out of the Development Agreement-cum-GPA dated 04-06-2007.

The case of the applicant is that the applicant and respondents 1 to 3 entered into a Development Agreement-Cum-General Power of Attorney dated 04-06-2007 in respect of property owned by the applicant to an extent of Ac.0-31 guntas in Sy.No.221, Bachupally Village and Grampanchayat, Qutbullapur Mandal, Medchal, Ranga Reddy District. Thereafter disputes arose between the parties, since respondents failed to execute the said development agreement. As such, the applicant issued notice dated 03-06-2019 invoking Clause No.27 of Development Agreement-cum-GPA dated 04-06-2007 nominating the Arbitrator. But the respondent avoided to receive the notice and got managed the things and returned the notices. Hence, the present Arbitration Application is filed.

Heard learned counsel for the applicant.

Though notices issued to the respondents 2 and 3 on the addresses given by them in the Development Agreement-cum-GPA, the same were returned as unclaimed and no such person in the address respectively, which amounts to service of notice.

Clause No.27 of the Development Agreement-cum-GPA dt.04-06-2007 provides for Arbitration, in case of any disputes between the parties, which reads as follows:

“22. In case of any disputes arises between the parties hereto touching these presents, the matter shall be referred to the Arbitrators; one chosen by each party and in case of any difference of opinion between such Arbitrators, they shall nominate a common umpire and their award shall be final and binding on both the parties and the relevant provisions of the Arbitration Act shall apply.”

In pursuance of the above said Arbitration Clause, the applicant has already issued a legal notice 03-06-2019 appointing Sri S.M.Rafi, Retired District Judge as Arbitrator, however, there is no response from the respondent. Therefore, the present application deserves to be allowed.

Accordingly, this Arbitration Application is allowed appointing Sri M.Rajender, Retired District Judge as Arbitrator on behalf of respondents for resolution of dispute(s) arising out of the Development Agreement-cum-GPA dated 04-06-2007 in accordance with the provisions and mandate of the Act of 1996. The learned Arbitrators 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.

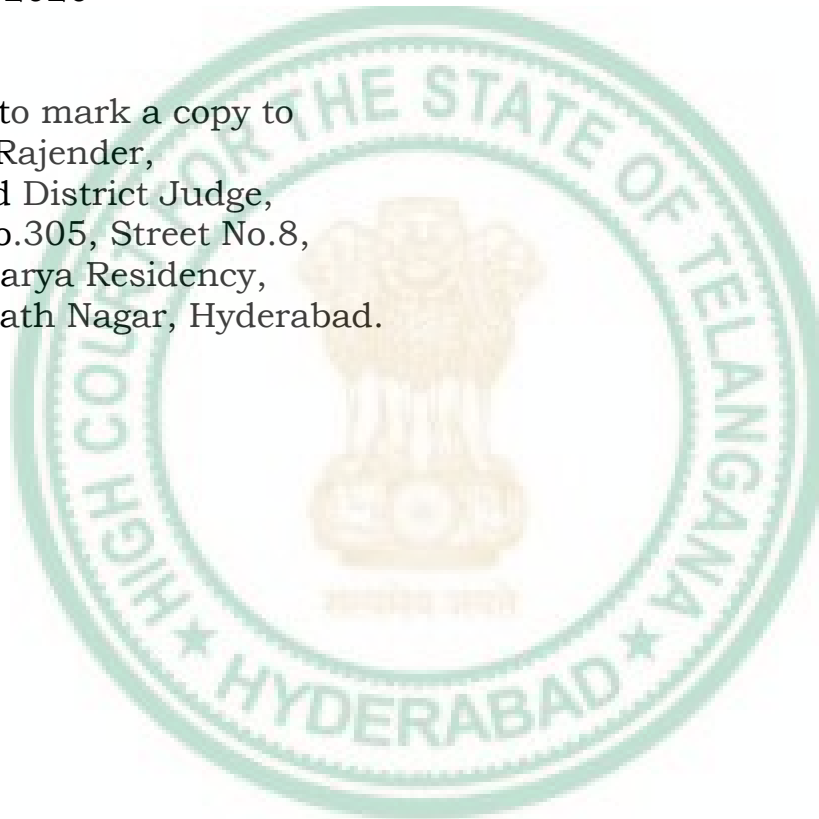
As a sequel, miscellaneous applications pending, if any, shall stand closed.

A. RAJASHEKER REDDY, J

02-01-2020

Note:

Office to mark a copy to
Sri M.Rajender,
Retired District Judge,
Flat No.305, Street No.8,
Soundarya Residency,
Himayath Nagar, Hyderabad.
B/o.
Nvl



HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

ARBITRATION APPLICATION No.34 of 2018



31.12.2019
(Msr)