

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

ARBITRATION APPLICATION No.122 of 2015

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 registered agreement of sale dated 19-04-2010 entered into by and between them.

As disputes arose between them, it is the allegation of the petitioner that respondents have breached the terms of the registered agreement of sale dated 19-04-2019 in relation to sale of a flat being flat no.202. The petitioner seems to have issued notices, the latest being on 24-03-2015 invoking the arbitration clause no.18 under the registered agreement of sale to settle the dispute. The Arbitration clause no.18 of the registered agreement of sale provides for dispute to be referred to arbitration, which reads as follows:-

"18. In the event of any dispute arise between the parties, the matter will be referred to the arbitration appointing each arbitrator of the parties herein and the decision of the said arbitrators shall be binding on the parties."

Learned counsel for the petitioner states that though notice is served on the respondents, wherein it was also suggested by the petitioner the name of a retired Judge of this High Court, the respondents have not replied to the same.

Heard the learned counsel for the petitioner. Though notice is served, none appeared for the respondents. No counter affidavit

is filed opposing this application. Inasmuch as the registered agreement of sale provides for arbitration in the event of any dispute arose between the parties, and the same is being invoked by the petitioner by issuing notice referred to above, nonetheless the respondents did not respond nor put up appearance before this Court, either in person or through counsel, in spite of service of notice on them.

Accordingly, the arbitration application is allowed appointing Sri Sanga Reddi, District Judge, (Retd.), as the sole Arbitrator for resolution of dispute(s) between the petitioner and respondents. 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: 23-01-2020
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Copy to :: Sri K. Sanga Reddi
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(b/o)
Nrg

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