

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

ARBITRATION APPLICATION No.93 of 2018

ORDER:

By way of this application filed under Section 11 of Arbitration and Conciliation Act, 1996 (for short "the Act"), the applicant seeks appointment of an Arbitrator for resolution of disputes arising under the memorandum of understanding dated 04-10-2017 entered into by and between the parties to the agreement.

02. Facts stated are:- the applicant and the respondent entered into the memorandum of understanding dated 04-10-2017 whereby and whereunder the petitioner was entrusted with certain irrigation canal works as Project In-charge etc. That disputes arose with regard to the payment of amounts in connection with the said works under the said contract.

03. Learned counsel for the applicant states that the invoking the arbitration clause which is stipulated under Clause 13 of the memorandum of understanding dated 04-10-2017, the applicant got issued legal notice dated 18-06-2018 seeking for resolution of the dispute by way of arbitration and to nominate the arbitrator, when the respondent failed to appoint Arbitrator, the applicant filed the above application.

04. Learned counsel for applicant submits that notice was ordered by this Court on 14-09-2018, but the same is returned with an endorsement "not claimed", which itself is to be construed as deemed service of notice on the respondent.

05. It is to be seen that though notice is issued and sought to be served on the respondent, the same is not claimed, which is a

deemed service on him. There is no representation on behalf of the respondent.

06. Inasmuch as under Clause 13 of the memorandum of understanding dated 04-10-2017, provides for arbitration, which is not disputed by the respondent by filing any counter affidavit nor entered appearance, the arbitration application is liable to be allowed.

07. Accordingly, the arbitration application is allowed. Sri G. Gopala Krishna Murthy, Prl. Dist. Judge (Retd.), is appointed as the sole Arbitrator for resolution of dispute(s) between the petitioner and respondent, arising out of memorandum of understanding dated 04-10-2017, 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: 18-02-2020

Copy to:

Sri G. Gopala Krishna Murthy,

Prl. Dist. Judge, (Retd.)

H.No. 3-4-756/1,

Flat No. 12, Sai Raghavendra Residency,

Barkatpura, Hyderabad – 500027

(B/o)

NRG

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

ARBITRATION APPLICATION No.93 of 2018

//Web//



Dated: 18-02-2020

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