

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

MONDAY THE TWENTY SIXTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY TWO

PRESENT

THE HONOURABLE SRI JUSTICE B.VIJAYSEN REDDY

ARBITRATION APPLICATION NO: 126 OF 2022

Between:

M/s. ANMOL CONSTRUCTIONS, Office at Flat No.203, Hema Durga Plaza, Miyapur, Allwyn X Roads, R.R. District, T.S. Rep. by its Managing Partner Shri S.Prakash, S/o. Late Chandrashekar, Aged about 47 years, Occ. Business, R/o. E801, Ashwatha Mahendra Life Spaces, KPHB 4th Phase, Kukatpally, Hyderabad.

...APPLICANT

AND

1. DONDETI MOUNISHA REDDY, W/o. T.Abhilash Reddy, D/o. Dondeti Marreddy, Age 30 years, Occ. Housewife, Rep. by her GPA holder D.Marreddy.
2. D.MARREDDY, S/o. Late Show Reddy, Age 62 years, Occ..Business. Both R/o. H No.13-8-432/28/B, Srinivasa Nagar, Mehdiapatnam, Hyderabad.

...RESPONDENTS

Application under section 11(5) & (6) of the Arbitration and Conciliation Act, 1996 and Scheme of Appointment of Arbitrators 20012 praying that in the Circumstances stated in the affidavit filed therewith, the High Court may be pleased to direct the respondents to appoint an Arbitrator as per Clauses No.15 (h), 13 (h) and 14 (h) of the three DAGPAs and in the alternative this Honble court may be pleased to appoint any Arbitrator in the interest of justice for resolving the disputes arising under afore said three DAGPAs.

This application coming on for hearing, upon perusing the Application and affidavit filed in support thereof and upon hearing the arguments of Sri KOPPULA GOPAL, Advocate for the Applicant and of Sri RAJESH MADDY, Advocate for the Respondents.

The Court made the following:

THE HONOURABLE SRI JUSTICE B. VIJAYSEN REDDY

ARBITRATION APPLICATION No.126 OF 2022

ORDER :

This application is filed by the applicant to direct the respondents to appoint an arbitrator in terms of clause nos.15 (h), 13 (h) and 14 (h) of the three development agreements-cum- irrevocable general power of attorney dated 10.03.2021, 25.02.2022 and 25.02.2022, respectively, or alternatively to appoint an arbitrator to resolve the disputes between the applicant and the respondents arising out of the said three development agreements.

2. Learned counsel for the respondents submitted that there are three development agreements in respect of three contiguous properties and expressed no objection if a single arbitrator is appointed for resolving the disputes arising out of the three development agreements i.e., development agreement-cum-irrevocable general power of attorney bearing document No.12004 of 2021 dated 10.03.2021, the development agreement-cum-irrevocable general power of attorney bearing document No.76873 of 2022 dated 25.02.2022, and the development agreement-cum-irrevocable general power of attorney bearing document No.650 of 2022 dated 25.02.2022.

3. Learned counsel for the applicant agreed for appointment of single arbitrator.

4. In view of the same, arbitration application is allowed. Smt. G. Udaya Gowri, Retired District Judge, R/o. H.No.7-1-276/21, Balkampet, Hyderabad – 500038, is appointed as arbitrator to adjudicate the claims and counter claims between the parties and to pass an award in accordance with law.

5. The learned Arbitrator is entitled to fees as per the rates specified in the Fourth Schedule to the Arbitration and Conciliation Act, 1996, inserted by Act 3 of 2016 with effect from 23.10.2015, which shall be borne by both parties in equal shares.

As a sequel thereto, miscellaneous applications, if any, pending in this writ petition stand closed.

Sd/- B.SATYAVATHI
DEPUTY REGISTRAR


SECTION OFFICER

//TRUE COPY//

To,

1. Smt. G. Udaya Gowri retired District Judge, R/o H.No. 7-1-276/21, Balkampet, Hyderabad-520038

Arbitration Application Affidavit and material papers filed with a copy of A.A (By Special Messenger)

2. One CC to Sri KOPPULA GOPAL, Advocate [OPUC]
3. One CC to Sri RAJESH MADDY, Advocate [OPUC]
4. Two CD Copies

DL



HIGH COURT

DATED:26/12/2022

ORDER

ARBAPPL.No.126 of 2022



ARBITRATION APPLICATION IS ALLOWED

①
PM
28/1/23