

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**FRIDAY ,THE TWENTY NINTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY THREE**

PRESENT

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

ARBITRATION APPLICATION NO: 21 OF 2022

Between:

M/s. Chamundi Constructions, Office at. No. 10-1-214/A1. A2, Sai Nivas Above State Bank of India, 3rd Floor, West Marredpally, Secunderabad 500 026 Rep. by Managing Partner Sri.M.Nageswara Rao.

... PETITIONER

AND

M/s. C. SURESH REDDY and CO, Represented by its Partner C.Sukesh Reddy, Office at Plot No.1364, Road N.45, Jubilee Hills, Hyderabad 500 033.

...RESPONDENT

Arbitration Application Under Section 11 (6) of the Arbitration and Conciliation Act, 1996 praying that this Hon'ble Court may be pleased to appoint a Sole Arbitrator of the Hon'ble Court's choice to adjudicate the disputes and differences between the Petitioner and the Respondent in terms the dispute resolution/arbitration clause 21 of the Sub Contract Agreement dated 11/04/2018 in the interest of justice.

Counsel for the Applicant : SRI. S. V. S. CHOWDARY

Counsel for the Respondent: SRI Y. SREE RAGHAVA RAO(No representation)

The Court made the following ORDER:

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

ARBITRATION APPLICATION No.21 OF 2022

ORDER:

This application, under Section 11(6) of the Arbitration and Conciliation Act, 1996, is filed by the applicant seeking to appoint an Arbitrator.

2. Heard Sri S.V.S. Chowdary, learned counsel for the applicant.
3. Learned counsel for the applicant had contended that the respondent is the main contractor, who was entrusted with railway work. The respondent, in turn, sub-contracted the work to the applicant by way of Sub-Contract Agreement, dated 11.04.2018. Though the applicant executed the work on behalf of the respondent, the respondent is not settling the amounts payable to the applicant. Learned counsel has drawn the attention of this Court to the Sub-Contract Agreement, dated 11.04.2018, and contended that as per the said agreement, there is an arbitration clause i.e. Clause No.21, which deals with arbitration proceedings and that if there is any dispute between the applicant and the respondent, the dispute has to be resolved through arbitration by referring the

dispute to an Arbitrator. Therefore, the applicant has sent legal notice, dated 07.12.2021, to the respondent to refer the dispute to an Arbitrator. But, so far, the respondent has neither appointed an Arbitrator nor referred the dispute to an Arbitrator. In those circumstances, the present Arbitration Application is filed.

4. Learned counsel for the applicant had further contended that on several occasions, there was no representation on behalf of the respondent. Today also, there is no representation on behalf of the respondent and the learned counsel for the respondent has merely filed vakalat on behalf of the respondent and he is not appearing before this Court. Therefore, appropriate orders be passed in the Arbitration Application by appointing an Arbitrator to adjudicate the dispute between the parties in terms of the arbitration clause in the Sub-Contract Agreement, dated 11.04.2018.

5. This Court, having considered the submissions made by the learned counsel for the applicant, is of the considered view that an Arbitrator can be appointed to adjudicate the dispute between the parties.

6. Accordingly, the Honourable Sri Justice P. Naveen Rao, retired Judge of this Court, is appointed as an Arbitrator to adjudicate the dispute between the parties, in terms of arbitration Clause No.21 of the Sub-Contract Agreement, dated 11.04.2018.

7. The Arbitration Application is, accordingly, disposed of. There shall be no order as to costs.

Miscellaneous Petitions, if any, pending in this application shall stand closed.

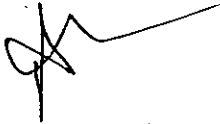
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SD/-M. VIJAYA BHASKER
JOINT REGISTRAR
SECTION OFFICER

To

1. Sri Justice P. Naveen Rao, retired Judge of the High Court for the State of Telangana , Block No. 9 , Nyayavihar Complex, Road No. 78 , Narne Road, Jubilee Hills, Hyderabad – 500 033. (By Special Messenger) (Along with a copy of affidavit and material papers)
2. One CC to SRI. S. V. S. CHOWDARY, Advocate [OPUC]
3. One CC to SRI. Y. SREE RAGHAVA RAO, Advocate [OPUC]
4. Two CD Copies

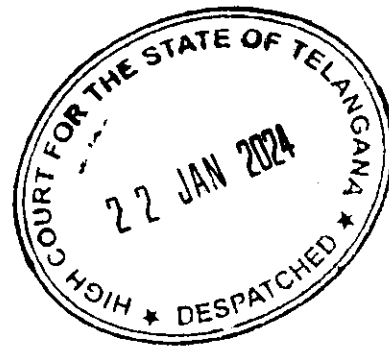
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HIGH COURT

AKSJ

DATED:29/12/2023



ORDER

ARBITRATION APPLICATION No.21 of 2022

DISPOSING OF THE ARBITRATION APPLICATION

WITHOUT COSTS

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MMS

20/1/2024