

HON'BLE SRI JUSTICE P.NAVEEN RAO
AND
HON'BLE SRI JUSTICE NAGESH BHEEMAPAKA

CIVIL REVISION PETITION NOS.1814, 2506 AND 2538 OF 2022

Date:06.02.2023

CRP.No.1814 of 2022

Between:

Justice S.Ananda Reddy (Arbitrator),
S/o.Late S.Lakshma Reddy,
Aged 75 yrs, R/o.C-402, Fortune Enclave,
Road No.12, Banjara Hills, Hyderabad

.....Petitioner

And

The M/s.Balaji Estates,
Rep., by Smt Geetha W/o.G.Chandrasekhar,
Aged about 48 yrs, Occu : Business,
R/o.Plot No.15, Sethpathi Colony,
West Maredpally, Secunderabad & others

.....Respondents

The Court made the following:

HON'BLE SRI JUSTICE P.NAVEEN RAO
AND
HON'BLE SRI JUSTICE NAGESH BHEEMAPAKA

CIVIL REVISION PETITION NOS.1814, 2506 AND 2538 OF 2022

COMMON ORDER : (Per Hon'ble Sri Justice P.Naveen Rao)

Heard Ms. Kiran Mayee, learned counsel for the petitioner in C.R.P.No.1814 of 2022, 3rd respondent in C.R.P.No.2506 of 2022 and 1st respondent in C.R.P.No.2538 of 2022, Sri Pramod Singh, learned counsel for the petitioner in C.R.P.No.2506 of 2022, the 2nd respondent in C.R.P.No.1814 of 2022 and C.R.P.No.2538 of 2022 and Sri Baglekar Akash Kumar learned counsel for the petitioner in C.R.P.No.2538 of 2022, 1st respondent in C.R.P.Nos.1814 and 2506 of 2022 respectively.

2. Petitioner in C.R.P.No.1814 was appointed as Arbitrator by the High Court in Arbitration Application No.13 of 2018 by order dated 01.10.2019. The Arbitrator conducted Arbitral proceedings in Arbitration Case No.2 of 2019 and passed Award dated 31.10.2020. In the Award the Arbitrator also determined fee to be paid to him in all at Rs.15,00,000/- by the petitioner in C.R.P.No.2506 of 2022. Holding that inspite of demand made, the 2nd respondent has not paid the fee determined by the Arbitrator, the learned Arbitrator filed C.R.P.No.1814 of 2022.

3. M/s.Balaji Estates filed ARB.O.P.No.15 of 2021 in the Court of IX Additional Chief Judge, City Civil Court, Hyderabad challenging the Award

passed by the Arbitrator. In the said Arbitration O.P., the learned Arbitrator filed I.A.No.107 of 2021 claiming the arbitration fee as specified in the Award. The learned Judge, by order dated 01.07.2022 allowed the petition directing the 2nd respondent Mr. Ashish to pay the balance fee of Rs.5,00,000/- to the learned Arbitrator in Arbitration Case No.2 of 2019. Aggrieved thereby, the 2nd respondent in the said application who is the 2nd respondent in C.R.P.No.1814 of 2022 filed C.R.P.No.2506 of 2022.

4. M/s.Balaji Estates filed C.R.P.No.2538 of 2022 challenging the very same order of the IX Additional Chief Judge, City Civil Court, Hyderabad made in I.A.No.107 of 2021.

5. When these revisions are called, learned counsel for the revision petitioner in C.R.P.No.2506 of 2022 informs the Court that the petitioner in the said revision, has paid entire fee fixed by the Arbitrator i.e., Rs.15,00,000/-. To that extent, he filed Memo vide U.S.R.No.12283 of 2023 showing deposit of Rs.15,00,000/- through RTGS mode to the account of learned Arbitrator.

6. Since the entire amount claimed by the learned Arbitrator is already paid, no further orders are required to be passed in these revisions.

7. Learned counsel for the petitioners in C.R.P.Nos.2506 and 2538 of 2022 submits that sofar copy of the Award is not furnished to the petitioners in the said revision petitions. We request the learned Arbitrator to furnish copy of the Award as and when an application is filed by the petitioners in C.R.P.Nos.2506 of 2022 and 2538 of 2022.

8. However, learned counsel appearing for the petitioner- M/s.Balaji Estates, in C.R.P.No.2538 of 2022 points out that the Arbitrator also awarded interest @ 18% p.a. payable by Mr.Ashish who is petitioner in C.R.P.No.2506 of 2022. The aspect of recovery of interest amount from petitioner in C.R.P.No.2506 of 2022 is left open. It is needless to observe that the petitioner in C.R.P.No.2538 of 2022 already filed Arbitration O.P.No.15 of 2021 pending before the Court of IX Additional Chief Judge, City Civil Court, Hyderabad and it is always open to him to raise all pleas as available to him in the pending Arbitration O.P. Having regard to the fact that the issue is of the year 2006, we request the learned trial Judge, to dispose of the Arbitration O.P., as expeditiously as possible preferably within a period of three (3) months from the date of receipt of copy of this order.

9. With the above observations, the Civil Revision Petitions are disposed of. Pending miscellaneous applications, if any, shall stand closed.

P.NAVEEN RAO,J

NAGESH BHEEMAPAKA, J

6th February, 2023
Rds