IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

WEDNESDAY ,THE ELEVENTH DAY OF DECEMBER TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE THE CHIEF JUSTICE ALOK ARADHE

ARBITRATION APPLICATION NO: 225 OF 2024

Between:

M/s. Movie Times Cinemas Pvt. Ltd., Represented by its Director Mr. Anil Kapur, having registered office at 1st Floor, Kamal Cinema Building, Safdarjung Enclave, New Delhi-110029

...Applicant

AND

M/s. GSG Builders and Infrastructure Limited, Represented by its Director Mr. Ashok Kumar Agarwal Having its office at G.S. Plaza, Plot No.4, 8-2-672, Road No.1, Banjara Hills, Hyderabad-34

...Respondent

Arbitration Application filed under Section 11 sub section 5 & 6 of the Arbitration and Conciliation Act, 1996 praying that for the reasons stated in the accompanying affidavit this Hon'ble Court may be pleased to

a. Appoint an Arbitrator to resolve the disputes between the Applicant and the Respondent, in terms of the lease deed bearing document no.4303 of 2022 dated. 23-06-2022
b. Award costs of the Arbitration Application

Counsel for the Applicant : Ms. Grishma representing Mr. Bharath Reddy Bommineni

Counsel for the Respondent : Mr. Venkat Prasad Ukkalam

The Court made the following: ORDER

THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE

ARBITRATION APPLICATION No.225 of 2024

ORDER:

Ms. Grishma, learned counsel representing Mr. Bharath Reddy Bommineni, learned counsel for the applicant appeared through video conferencing.

Mr. Venkat Prasad Ukkalam, learned counsel for the respondent.

2. This application under Section 11(5) and (6) of the Arbitration and Conciliation Act, 1996 has been filed seeking appointment of an arbitrator to adjudicate the dispute between the parties.

3. The parties entered into a Lease Deed on 23.06.2022. Clause 6(xviii) of the aforesaid Lease Deed contains an arbitration clause, which is extracted below for the facility of reference:

> "xviii) Any dispute arises among the parties with respect to any of the terms of this Deed the same shall be settled through the Arbitration by sole arbitrator appointed by

consent of the both party under the Arbitration & Conciliation Act 1996 and as amended from time to time. The party who wants to invoke the Arbitration it should give Notice of the same to the other party and other party shall give reply within 30 days of receipt of the Notice otherwise it will be treated as waiver of its right of objection and also construed that it has agreed for the appointment of such Arbitrator."

4. The dispute has arisen between the parties. Therefore, the applicant sent legal notice dated 03.04.2023 to the respondent. Reply was filed on behalf of the respondent on 06.04.2023.

5. Learned counsel for the parties jointly submit that the dispute has arisen between the parties which requires the resolution in the manner agreed to by them. It is therefore submitted that a former Judge of this Court be appointed as sole arbitrator to adjudicate the dispute between the parties.

6. In view of aforesaid consensus arrived at between learned counsel for the parties and taking into account the fact that the Lease Deed dated 23.06.2022 contains an arbitration clause, Mr. Justice G.Bhavani

Prasad, a former Judge of this Court (Resident of Villa No.41, Empire Insignia, behind Ara Maisamma Temple (Kalamandir), Peerancheru, Bandlaguda Jagir, Hyderabad Mobile No.9440621425) is appointed as sole arbitrator to adjudicate the dispute between the parties. The parties undertake to appear before the sole arbitrator along with a copy of this order. Thereupon, the sole arbitrator shall proceed with the arbitral proceedings in accordance with law.

7. Accordingly, the Arbitration Application is allowed. No costs.

As a sequel, miscellaneous petitions, pending if any, stand closed.

Sd/- M. VIJAYA BHASKER
JOINT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. Mr. Justice G. Bhavani Prasad, a former Judge of Telangana High Court (resident of Villa No. 41, Empire Insignia, behind Ara Maisamma Temple (Kalamandir), Peerancheru, Bandlaguda Jagir, Hyderabad, Mobile No. 9440621425) **(By special messenger) (along with a copy of affidavit and material papers)**
2. One CC to Mr. Bharath Reddy Bommineni, Advocate [OPUC]
3. One CC to Mr. Venkat Prasad Ukkalam, Advocate [OPUC]
4. Two CD Copies

Njb/gh

HIGH COURT

DATED:11/12/2024



ORDER

ARBAPPL.No.225 of 2024

ALLOWING THE ARBITRATION APPLICATION WITHOUT COSTS

6 copies
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9/12/24