

[3374]

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

**SATURDAY, THE TWENTY FIRST DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY FOUR**

PRESENT

THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE

ARBITRATION APPLICATION No: 193 of 2024

Between:

M/s S SREE HARI SECURITY AGENCY, GSTN: 36ADIPS8964N1ZG, Office:
H.No.8-3-216/1, FF, Srinivasa Colony (West), Hyderabad - 500038, Telangana
State, Rep. by its Proprietor Lt. Col. S. Sree Hari (Retd), S/o Gopinath S, aged 51
years.

...APPLICANT

AND

The Director, Centre for High Energy Systems & Sciences (CHESS), DRDO,
Ministry of Defence, Govt. of India, Vignyana Kancharla Post, Hyderabad - 500069,
Telangana State.

...RESPONDENT

Arbitration Application filed under Section 11 (5) and (6) of the Arbitration and Conciliation Act 1996, R/w Scheme for Appointment of Arbitrator, 2000 Praying that for the reasons stated in the accompanying affidavit, praying that the Hon'ble Court may be pleased to appoint an Arbitrator on behalf of the Respondent herein in terms of Clause No.11.1 of the Contract Agreement dated 01-02-2019, entered into between the Respondent and the Applicant herein, read with Letter of Intent vide LOI No.CHESS/BU/M/2018-19/ST/LBM/0069, dated 30-01-2019 and under the provisions of Section 11 of the Arbitration and Conciliation Act 1996, to resolve the disputes between the Applicant and the Respondent herein.

Counsel for the Petitioner: Mr. K.R. SASIDHARAN NAIR

Counsel for the Respondent: None Appeared

The Court made the following: ORDER

THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE

ARBITRATION APPLICATION NO.193 of 2024

ORDER:

Heard Mr. K.R.Sasidharan Nair, learned counsel for the applicant

2. This application under Section 11(6) of the Arbitration and Conciliation Act, 1996 (briefly 'the A&C Act') has been filed seeking appointment of sole arbitrator to resolve the dispute between the parties.

3. Admittedly, the parties have entered into a Contract Agreement on 01.02.2019. Clause 11.1 of the said Contract Agreement contains an arbitration clause, which is extracted below for the facility of reference:

"Any question, dispute or difference arising under the contract shall be referred to the sole arbitration of an arbitrator appointed by the Secretary, Defence (R&D) and Chairman,

DRDO. The decision of the arbitrator shall be final and binding on both the parties.”

4. The dispute had arisen between the parties. Therefore, the applicant sent a notice under Section 21 of the A&C Act to the respondent on 29.04.2024. Respondent filed reply on 13.06.2024. Thereafter, this application has been filed.

5. Despite service of notice, neither anyone has appeared on behalf of the respondent nor any counter is filed to oppose the prayer.

6. In a proceeding under Section 11(6) of the A&C Act, the Court has to satisfy itself whether the underlying contract contains an arbitration agreement, which provides for arbitration pertaining to disputes, which have arisen between the parties. In the instant case, on perusal of the agreement dated 01.02.2019, it is evident that the same

contains an arbitration clause and the dispute has arisen between the parties, which requires resolution in the manner agreed to by the parties.

7. Therefore, Mr. Y.Govinda Reddy, retired District Judge (resident of Flat No.301, Bharath Enclave, Park Avenue Colony, Raja Rajeswara Colony, Kondapur, Hyderabad (or) Plot No.11, (beside Bharath Enclave), Park Avenue Colony, Rajarajeswara Nagar, Kondapur, Hyderabad-84; Mobile No.9866372921; e-mail address: y.govinda@gmail.com) is appointed as sole arbitrator to adjudicate the dispute between the parties.

8. Accordingly, the Arbitration Application is disposed of. No costs.

9. Office to communicate a copy of this order to the learned Arbitrator.

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

Sd/- A.V.S.S.C.S.M.SARMA
JOINT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. Mr. Y. Govinda Reddy, retired District Judge, resident of Flat No.301, Bharath Enclave, Park Avenue Colony, Raja Rajeswara Colony, Kondapur, Hyderabad (or) Plot No.11, (beside Bharath Enclave), Park Avenue Colony, Rajarajeswasra Nagar, Kondapur, Hyderabad-84; Mobile No.9866372921; e-mail address: yr.govind@gmail.com (By Special Messenger) (Along with a Copy of affidavit and material papers)
2. One CC to Mr. K.R. SASIDHARAN NAIR, Advocate [OPUC]
3. Two CD Copies

kam/DL

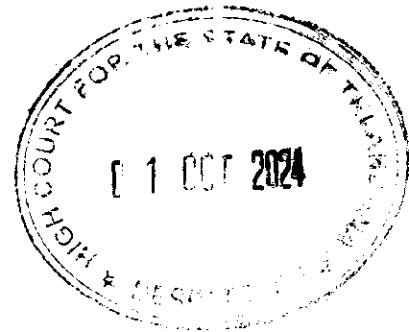


HIGH COURT

DATED:21/09/2024

ORDER

ARBAPPL.No.193 of 2024



DISPOSING OF THE
ARBITRATION
APPLICATION

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20/09/24
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