

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

THURSDAY, THE FOURTEENTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE THE CHIEF JUSTICE ALOK ARADHE

ARBITRATION APPLICATION NO: 168 OF 2024

Between:

Sri Sai Krishna Constructions, Rep. by its Managing Partner, Smt. G. Prathima Reddy, W/o. G. Murali Krishna Reddy, aged 54 years, Flat No, 301, Dhruva, Srinivasa Village, Yousufguda, Hyderabad-38, Now Presently at 2nd Floor, Plot No.230, Shiva Nagar, Hyderguda, Rajendra Nagar Mandal, Hyderabad-500048

...Applicant

AND

M/s. Sri Avantika Contractors (I) Limited, Rep. by its Managing Director, K. Narendrareddy, Registered Office: #6108, Nilgiri Block, Aditya Enclave, Ameerpet, Hyderabad - 500038 Presently at Door No. 8-2-603/23/3 and 15/301,302, 3rd Floor, HSR Summit, Above SBI, Road No.10, Banjara Hills, Hyderabad -500034, Telangana.

...Respondent

Arbitration Application filed under Section 11(5) & (6) of the Arbitration and Conciliation Act, 2006 R/w. Scheme for appointment of Arbitrator, 2006 praying that this Hon'ble Court may be pleased to:

- i. appoint an arbitrator to adjudicate the claims and disputes between the Applicant and Respondent in pursuant to work contract agreement dt. 29.07.2010,
- ii. award the costs of the present application in favour of the Applicant.

Counsel for the Applicant : Ms. D. Neeharika Reddy

Counsel for the Respondent : Ms. V. Soubhagya Valli representing
Mr. V. Seetharama Avadhani

The Court made the following: ORDER

THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE

ARBITRATION APPLICATION No.168 of 2024

ORDER:

Ms. D. Neeharika Reddy, learned counsel for the applicant.

Ms. V. Soubhagya Valli, learned counsel represents Mr. V. Seetharama Avadhani, learned counsel for the respondent.

2. This application is filed under Section 11(5) & (6) of the Arbitration and Conciliation Act, 1996 seeking appointment of an arbitrator to resolve the disputes between the parties.

3. Facts giving rise to filing of this application briefly stated are that the parties have entered into a sub-contract agreement on 29.07.2010. Clause 'J' of the aforesaid agreement contains an arbitration clause, which is extracted below for the facility of reference:

J. Arbitration: In case dispute between the parties relating to the terms and conditions herein or any matters concerning this agreement, the same shall be referred to arbitration and the parties shall be bound by the award of the Arbitrator or Arbitrators.”

4. The dispute between the parties has arisen. Therefore, the applicant invoked the arbitration clause and sent a notice under Section 21 of the aforesaid Act on 18.01.2024. The respondent did not respond to the aforesaid notice. Thereupon, this application has been filed.

5. Learned counsel for the applicant submits that the dispute has arisen between the parties which requires resolution in the manner agreed to by the parties. Therefore, an arbitrator be appointed to adjudicate the dispute.

6. On the other hand, learned counsel for the respondent submits that according to the respondent, the sub-contract agreement dated 29.07.2010 is forged and fabricated document. However, she fairly submits

that the respondent be permitted to raise the aforesaid issue in a proceeding before the arbitrator.

7. In view of the aforesaid submissions and in the facts of the case, Mr. Justice L. Nageswara Rao, a former Judge of the Supreme Court (resident of A-402, Jayabheri Orange County, Gachibowli Financial District, Ranga Reddy District, Mobile No.95600 03598, 98100 35984) is appointed as an arbitrator to adjudicate the dispute between the parties. Needless to state that it is open for the respondent to raise the issue with regard to genuineness of the sub-contract agreement dated 29.07.2010 before the arbitrator.

8. The parties undertake to appear before the arbitrator on 30.11.2024 at 11:00 a.m. along with a copy of this order.

9. Thereupon, the sole arbitrator shall proceed with the arbitral proceedings in accordance with law.

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10. Accordingly, the arbitration application is allowed.

Miscellaneous applications pending, if any, shall stand closed. No order as to costs.

A.V.S.S.C.S.M. SARMA
JOINT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. Mr. Justice L. Nageswara Rao, Former Judge of the Supreme Court of India resident of A-402, Jayabheri Orange County, Gachibowli Financial District, Ranga Reddy District, Mobile No. 9560003598, 3810035984, (By Special messenger) (along with a copy of affidavit and material papers).
2. One CC to Ms. D. Neeharika Reddy, Advocate [OPUC]
3. One CC to Sri V. Seetharama Avadhani, Advocate [OPUC]
4. Two CD Copies

Njb/gh

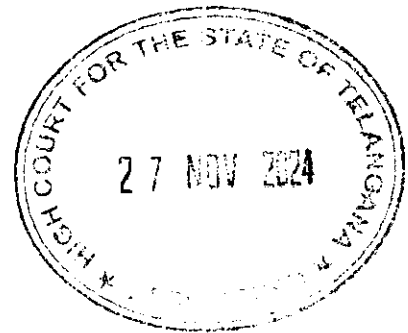


HIGH COURT

DATED:14/11/2024

ORDER

ARBAPPL.No.168 of 2024



ALLOWING THE ARBITRATION APPLICATION

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