

**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: 269 OF 2024

Between:

M/s. Akanksha Enterprises, represented by its partner Sri Jayesh Sobhagchand Varia S/o. Sri Sobhagchand J. Varia, aged about 63 years having their office at Flat No. D/001 Pancham Apartment, Opp. Shankar Mandir Iraniwadi, Hemu Kalani Road No.2 Kandivali west, Mumbai city, Maharashtra - 400067.

...Applicant

AND

M/s. Navayuga Engineering Company Limited, represented by its managing director site address Project Seabird, Naval Base Agra, Kanwar, Karnataka - 581 308. Corporate office Plot No.379, Road No.10 Jubilee Hills, Hyderabad - 500 033.

...Respondent

Arbitration Application filed under Section 11(2) & (6) of the Arbitration and Conciliation Act, 1996 R/w. Scheme for Appointment of Arbitrators, 1996, praying that for the reasons stated in the affidavit, this Hon'ble Court may be pleased to pass orders appointing an arbitrator or arbitral tribunal to adjudicate the claims and disputes between the applicant and the respondent as this Hon'ble Court may deem fit, to awards costs of this application.

**Counsel for the Applicant : Mr. G. Surender, representing
Mr. Shyam S Agrawal**

**Counsel for the Respondent : Mr. Undavalli Naveen representing
Mr. Vimal Varma Vasi Reddy**

The Court made the following: ORDER

THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE

ARBITRATION APPLICATION No.269 of 2024

ORDER:

Mr. G. Surender, learned counsel represents Mr. Shyam S. Agrawal, learned counsel for the applicant.

Mr. Undavalli Naveen, learned counsel represents Mr. Vimal Varma Vasi Reddy, learned counsel for the respondent.

2. This application is filed under Section 11(2) & (6) of the Arbitration and Conciliation Act, 1996 seeking appointment of an arbitrator to resolve the disputes between the parties.
3. Heard learned counsel for the parties.
4. Facts giving rise to filing of this application briefly stated are that the parties have entered into work orders dated 19.05.2021 and 15.07.2021, which contain arbitration clauses, namely, clause Nos.37 and

38 respectively, which are extracted below for the facility of reference:

“37. This order will be governed in accordance with Indian law and any dispute arising in connection with this order shall be referred to arbitration in Hyderabad, India in accordance with the Arbitration Act, 1996.”

“38. This order will be governed in accordance with Indian law and any dispute arising in connection with this order shall be referred to arbitration in Hyderabad, India in accordance with the Arbitration Act, 1996.”

5. The dispute between the parties has arisen. Therefore, the applicant invoked the arbitration clauses and sent a notice under Section 21 of the aforesaid Act on 22.08.2024. However, the respondent did not respond to the aforesaid notice. Thereafter, this application has been filed.

6. When the matter is called today, learned counsel for the parties jointly submitted that the dispute has arising between the parties and the same deserves to be resolved in the manner agreed to by the parties.

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Learned counsel for the parties also submitted that sole arbitrator be appointed to adjudicate the dispute.

7. In view of the aforesaid consensus arrived at between the parties and taking into account the fact that the work orders executed between the parties contain arbitration clauses, Mr. Y. Govinda Reddy, a 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)), is appointed as sole arbitrator to adjudicate the dispute between the parties.

8. Accordingly, the arbitration application is allowed.

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

Sd/- C.V. MALLIKARJUNA VARMA
JOINT REGISTRAR

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SECTION OFFICER

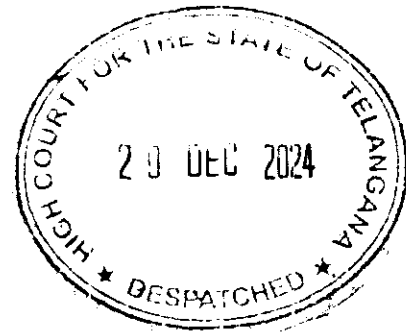
To,

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, Rajarajeswara Nagar, Kondapur, Hyderabad - 84 (Mobile No. 9866372921)) (By special messenger) (along with a copy of affidavit and material papers).
2. One CC to Mr. Shyam S Agrawal, Advocate [OPUC]
3. One CC to Mr. Vimal Varma Vasi Reddy, Advocate [OPUC]
4. Two CD Copies

Njb/gh

HIGH COURT

DATED:11/12/2024



ORDER

ARBAPPL.No.269 of 2024

ALLOWING THE ARBITRATION APPLICATION

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