

[3374]

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: 262 OF 2024

Between:

M/s. WILDBLUE Digital LLP, Having its office at 10-179/1, Conductors colony,
Sarapaka, Mothepattinagar, Khammam, Telangana 507128, Represented by
its Partner, Mr. Sasikanth Paritala

...Applicant

AND

M/s. SVB Networks Pvt. Ltd., Having its office at 11-222/2. SV. Nilayam,
Maseed Road, Sarapaka, Khammam Telangana -507128 Represented by its
Director Mr. Kunduru Bhagvan Reddy

...Respondent

Arbitration Application filed under Section 11 sub sections (5) & (6) of the
Arbitration and Conciliation Act, 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 unsecured loan agreement dated
31.03.2022; and
- b. Award costs of the Arbitration Application.

**Counsel for the Applicant : Ms. Grishma representing
Ms. Pragathi Mandapalle**

Counsel for the Respondent : None appeared

The Court made the following: ORDER

THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE

ARBITRATION APPLICATION No.262 of 2024

ORDER:

Ms. Grishma, learned counsel represents Ms. Pragathi Mandapalle, learned counsel for the applicant.

2. None has appeared on behalf of the respondent though served.

3. 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.

4. Facts giving rise to filing of this application briefly stated are that the parties have entered into an unsecured loan agreement on 31.03.2022. Clause 23 of the aforesaid agreement contains an arbitration clause, which is extracted below for the facility of reference:



"23. ARBITRATION:

a) The parties shall be entitled to refer all disputes and/or differences arising out of this agreement to an arbitrator appointed under the Arbitration and Conciliation Act, 1996.

b) The arbitration shall be conducted as follows:

- i. The arbitration shall be conducted by a sole arbitrator, to be appointed by the lender.
- ii. All proceedings in any such arbitration shall be conducted in English. The venue of the arbitration proceedings shall be Hyderabad.

c) The arbitral award shall be final and binding on the parties, and the parties agree to be bound thereby and to act accordingly."

5. The dispute between the parties has arisen. Therefore, the applicants invoked the arbitration clause and sent a notice under Section 21 of the aforesaid Act on 07.08.2024. The respondent sent reply to the aforesaid notice on 14.08.2024. Thereafter, this application has been filed.

6. I have heard the learned counsel for the applicant.



7. From a perusal of the record, it is evident that the parties have entered into an unsecured loan agreement which contains an arbitration clause. The dispute has arisen between the parties which requires resolution in the manner agreed to by the parties.

8. Therefore, Mr. G.Gopala Krishna Murthy, a retired District and Sessions Judge (resident of H.No.3-4-756/1, Flat No.102, Sai Raghavendra Residency, Barkathpura, Hyderabad-500027) is appointed as sole arbitrator to adjudicate the dispute between the parties.

9. Accordingly, the arbitration application is allowed.

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

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

SECTION OFFICER

To,

1. Mr. G. Gopala Krishna Murthy, Retired District and Sessions Judge (resident of H.No. 3-4-756/1, Flat No. 102, Sai Raghavendra Residency, Barkathpura, Hyderabad - 500027) (By special messenger) (along with a copy of affidavit and material papers)
2. One CC to Ms. Pragathi Mandapalle, Advocate [OPUC]
3. Two CD Copies

Njb/gh

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HIGH COURT

DATED:11/12/2024

ORDER

ARBAPPL.No.262 of 2024



ALLOWING THE ARBITRATION APPLICATION

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