

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

FRIDAY, THE THIRTEENTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE THE CHIEF JUSTICE ALOK ARADHE

ARBITRATION APPLICATION NO: 226 OF 2024

Between:

M/s. RK STEEL UDYOG PRIVATE LIMITED, having its Registered office at 602/A, 6th Floor, Al-Karim Trade Centre, Ranigunj, Secunderabad, Hyderabad 500003, represented by its Director - Mr. Aakash Surana

...Applicant

AND

1. Sri N.V. Subba Rao, S/o. Laxmaiah, Aged about 65 years, Occ. Business, R/o. Plot No. 1224, Road No.62, Jubilee Hills, Hyderabad 500 033.
2. Smt. Gokaraju Sita Devi, W/o. G.V.S. Rama Raju, Aged about 58 years, Occ. Housewife, R/o. 802 F Block, Trendset Winz Apartment, Nanakamguda Hyderabad.
3. M/s. Namitha Builders, represented by its managing partner, Sri K. Srikanth, S/o. Sri Raghavulu, Aged about 40 years, Occ. Business, R/o. Flat No.1-B, Nivee pradhham Apartments, Dwarakapuri Colony, Panjagutta, Hyderabad.

Also at Namitha Isle, Ground Floor, Road No.3, Panjagutta, Hyderabad-500082.

4. M/s. Shreemukh Namitha Homes Pvt. Ltd., (Developer) represented by its two directors. Sri K. Srikanth and Sri Y.Vijay Kumar, registered office at 6-2-248-P/A/1/2/G1, Namitha Isle, Road No. 3, Banjara Hills, Hyderabad 500082 Email. namithaconstructions@gmail.com.

Also at #1-B, 6-3-34, Nivee pradhham Dwarakapuri Colony, Panjagutta, Hyderabad-82

...Respondents

Arbitration Application filed under Section 11(6) of the Arbitration and Conciliation Act, 1996, read with scheme for appointment of Arbitrator, 2000 praying that for the reasons stated in the accompanying affidavit, this Hon'ble Court may be pleased to appoint a Sole Arbitrator for the purpose of adjudication of the dispute that arose between the Applicant Company and the Respondents, in accordance with Clause 16 of Registered Agreement of Sale document No. 10465/2020, Dt.04/09/2020.

Counsel for the Applicant : Mr. Unnam Sravan Kumar

Counsel for the Respondents : Mr. Md. Nawaz Hyder Ali

The Court made the following: ORDER

THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE

ARBITRATION APPLICATION No. 226 of 2024

ORDER:

Mr. Unnam Sravan Kumar, learned counsel appears for the applicant.

Mr. Md. Nawaz Hyder Ali, learned counsel appears for the respondents.

2. This application is filed under Section 11(6) of the Arbitration and Conciliation Act, 1996. The applicant seeks appointment of an arbitrator to resolve the dispute between the parties.
3. I have heard learned counsel for the parties at length.
4. The parties have entered into an agreement of sale dated 04.09.2020. Clause 16 thereof contains an arbitration clause and the same is extracted below for the facility of reference:

“The parties hereto agreed that any dispute, controversy or claim arising out of, or incidental thereof in connection with this ‘Agreement of Sale’, including any question regarding its existence, operation, termination, validity or the alleged breach thereof as regards to the mutual obligations of either parties

herein, (which shall be referred to as the "Dispute") and which cannot be resolved by the parties through mutual negotiations, shall mandatorily be referred to and finally resolved by Arbitration and the parties shall get the same administered by 'Hyderabad Arbitration Centre' (HAC), in accordance with its Arbitration Rules. The Arbitral Tribunal shall consist of a "Sole Arbitrator", who is appointed by HAC in accordance with its Rules. The 'seat' of Arbitration proceedings shall be at Hyderabad, Telangana."

5. Learned counsel for the parties jointly submit that the dispute has arisen between the parties, which needs to be resolved in the manner agreed to by the parties under the aforesaid agreement.

6. Therefore, Mr. V.Vara Prasad, Retired District Judge (resident of Flat No.103, Sai Sharan Residency, Opp. E-Seva, Vikasnagar, Dilsukhnagar, Hyderabad-500 060, Mobile No.9441080999) is appointed as sole arbitrator to adjudicate the dispute between the parties.

7. The parties undertake to appear before the sole arbitrator on 04.01.2025 at 11:00 a.m. along with a copy of this order.

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

9. Accordingly, the Arbitration Application is disposed of.

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

Miscellaneous applications, if any pending, shall stand closed. There shall be no order as to costs.

//TRUE COPY//

Sd/- K. SRINIVASA RAO
JOINT REGISTRAR

SECTION OFFICER

To,

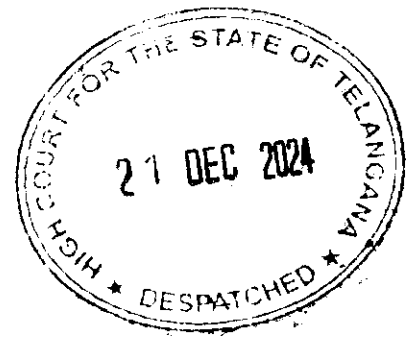
1. Mr. V.Vara Prasad, Retired District Judge (resident of Flat No. 103, Sai Sharan Residency, Opp. E-Seva, Vikasnagar, Dilsukhnagar, Hyderabad – 500060 Mobile No. 9441080999) **(By Special messenger) (along with a copy of affidavit and material papers)**
2. One CC to Mr. Unnam Sravan Kumar, Advocate [OPUC]
3. One CC to Mr. Md. Nawaz Hyder Ali, Advocate [OPUC]
4. Two CD Copies

DL/gh



HIGH COURT

DATED:13/12/2024



ORDER

ARBAPPL.No.226 of 2024

ARBITRATION APPLICATION IS DISPOSED OF

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Dro/12/2024