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: 183 of 2024

Between:

M/S. JVP SOFT PVT. LTD, A company incorporated under Companies Act, 2013 and having its registered office at #5 Software Units Layout Madhapur, Hyderabad - 500 081 [Email id: Info@jvpsoft.com] Represented by its Authorized Signatory **Mr. Srinivasa Murthy Akella**

AND

...Petitioner/Applicant

M/S DLT LABS TECHNOLOGIES PVT. LTD. DLT Labs Technologies Pvt. Ltd, A company incorporated under Companies Act, 2013 and having its registered office at 2nd Floor, Tower 2, Plot No. B-2, Candor Techspace IT Park, Sector 62, Gautam Buddha Nagar, Noida, Uttar Pradesh - 201309.

ALSO THROUGH: Ld. Administrator/ HMJ Sh.Vineet Saran (**Note.** appointed as Administrator as an interim measure vide Order dated 23-05-2023 by Hon'ble NCLT (Allahabad Bench,) Office. 65, Lodhi Estate, New Delhi - 110003 Email id. justicevineetsaran.dlt@gmail.com]

...Respondent

Arbitration Application filed under Section 11 (6) of the Arbitration and Conciliation Act, 1996 for the reasons stated in the accompanying affidavit, praying that this Hon'ble Court may be pleased to:

i. To Appoint a independent, sole arbitrator to act as the Arbitrator to adjudicate all disputes, claims or controversy between the parties OR in the alternative

ii. To constitute and Appoint Arbitration Tribunal (panel of three (3) Arbitrators) in terms of Clause-35 of the lease deed dated 01-08-2022

iii. To award costs of the Arbitration Application.

Counsel for the Petitioner: **Mr. AVINHASH VASUDEVAN ALLADI**, represents **Mr. M. RAMU**

Counsel for the Respondent: **None Appeared**

The Court made the following: ORDER

THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE

ARBITRATION APPLICATION No. 183 of 2024

ORDER:

Mr. Avinash Vasudevan Alladi, learned counsel represents Mr. M. Ramu, learned counsel for the applicant.

2. The memo filed by the applicant shows that notice sent to the respondent has been served. Despite service of notice, the respondent has neither appeared nor filed any counter affidavit.

3. This application is filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as "the A&C Act") seeking appointment of sole 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 lease deed dated 01.03.2022. Clause 35 of the aforesaid agreement contains an arbitration clause, which is extracted below for the facility of reference:

"35. ARBITRATION, GOVERNING LAW AND JURISDICTION

35.1 In the event of any dispute, claim or controversy arising out of or relating to this Lease, the Parties agree that the matter will be first referred to one or more executive officers (or the equivalent) of each Party to attempt a mutually agreeable resolution. If the executive officers do not reach a mutually agreeable resolution within Seven [7] days of such referral of the matter to them, the Parties shall seek arbitration of such dispute, claim or controversy as follows:

35.2 The dispute, claim or controversy between the Parties relating to this Lease shall be referred to a panel of three [3] arbitrators, one to be appointed by the Lessor, one to be appointed by the Lessee and the two arbitrators so appointed shall on their entering upon reference appoint a Presiding Arbitrator and the majority decision of the arbitral panel shall be final and binding on the Parties. The arbitration shall be conducted in accordance with the Arbitration and Conciliation Act, 1996 or any statutory modification or re-enactment thereof.

35.3 The arbitration proceedings shall be held in Hyderabad and conducted in English. The Parties agree to make all efforts to complete the arbitration proceedings within a period of 3 [Three] months

and such arbitration award shall be final and may be enforced as a decree.

35.4 All the rights and obligations of Lessee and Lessor will continue during the period of arbitration.

35.5 **Governing Law and Jurisdiction:** Subject to the above, the Parties further agree that all disputes arising out of or in connection with this Lease Deed shall be governed and construed in accordance with the Laws of India and shall be subject to the exclusive jurisdiction of courts at Hyderabad only."

5.   Dispute has arisen between the parties which requires resolution in the manner agreed to by the parties. The applicant therefore sent a notice under Section 21 of the A&C Act on 15.03.2024, but the respondent failed to respond to the aforesaid notice.

6.   In a proceeding under Section 11(6) of the A&C Act, this Court has to satisfy itself whether the underlying contract contains an arbitration agreement which provides for arbitration pertaining to the disputes which have arisen between the parties.

7. In the instant case, from a perusal of the lease deed 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.

8. Therefore, Mr. Justice P.Naveen Rao, a former Acting Chief Justice of this Court, (#3001, My Home Bhooja, Block-A, Plot Nos.22-24 & 31-33, Rayadurgam, Ranga Reddy District, Mobile No.8374012311), 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.

Sd/- C.V. MALIKARJUNA VARMA
JOINT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,
1. Mr. Justice P. Naveen Rao, Former Acting Chief Justice, High Court for the State of Telangana, at Hyderabad, (#3001, My Home Bhooja, Block-A, Plot Nos.22-24 & 31-33, Rayadurgam, Ranga Reddy District, Mobile No.8374012311) **(By Special Messenger) (Along with a Copy of affidavit and material papers)**
2. One CC to Mr. M. RAMU, Advocate [OPUC]
3. Two CD Copies

kam/DL

HIGH COURT

DATED:21/09/2024

ORDER

ARBAPPL.No.183 of 2024

ALLOWING THE
ARBITRATION
APPLICATION