

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

FRIDAY, THE TWENTIETH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE

ARBITRATION APPLICATION No: 150 of 2024

Between:

1. Sri. Amir Shareef, S/o. Ghouse Shareef, Age:21 years, Occ: Education, R/o. H.No.22-3-465, Miralam Mandi, Charminar, Hyderabad.
2. Sri. Syed Saifuddin, S/o. Syed Yousuf Uddin Age: 28 years, Occ: Business R/o.H.No.22-3-540/1, Mir Alam Mandi, Mir Chowk, Zehara Nagar, Charminar, Hyderabad.

Petitioner no 1 & 2 are represented by their GPA holder Sri. Syed Osman S/o.Late Syed Baban, Age: 74 Years, Occ: Business, R/o. H.No.22-3-540/1, Mir Alam Mandi, Mir Chowk, Zehara Nagar, Charminar, Hyderabad.

3. Sri. Syed Kaleemullah Hussaini, S/o. Syed Kareemullah Hussaini, Age: 27 years, Occ: Business R/o. H.No.6-3-252/a/43/1, Erramanzil, Azamjah Bandur Nagar, Khairtabad, Hyderabad.
4. Sri. Syed Osman, S/ o. Late Syed Baban, Age: 72 Years, Occ: Business, R/o.H.No.22-3-540/1, Mir Alam Mandi, Mir Chowk, Zehara Nagar, Charminar, Hyderabad.

...APPLICANTS

AND

1. M/s. Ira Square Township LLP, Rep., by its Designated Partner Sri. Posham Narsi Reddy S/ o. Sri. Posham Venkat Reddy, Office at House No. 4-49/2, Vattinagulapally Village, Gandipet Mandal, Ranga Reddy District.
2. Sri. Posham Narsi Reddy, S/o. Sri. Posham Venkat Reddy, Age: 42 years, Occ: Business R/o. Villa No.9, Eden Gardens, Kokapet, Gandipet Mandal, Ranga Reddy District.
3. Mr. Namireddy Raguram Reddy, S/o. Sri. Seetharam Reddy, Age: 50 years, Occ: Business, R/o.H.No.18-111, Kamalanagar, Dilshuknagar, Hyderabad - 500060.
4. Mr. Nami Reddy Raguram Reddy, S/o. Sri. Seetharam Reddy, Age: 50 years, Occ: Business, R/o. H.No.18-111, Kamalanagar, Dilshuknagar, Hyderabad - 500060.

5. Sri. Pasham Kiran Kumar Reddy, S/o. Sri. P Dharma Reddy, Age: 49 years, Occ: Business, R/o.H.No.17-1-383/M31, Vinay Nagar Colony Sa dabad, Hyderabad.

...RESPONDENTS

Arbitration Application filed under section 11 (6) of Arbitration and Conciliation Act, 1996 for the reasons stated in the accompanying affidavit praying that this Hon'ble Court may be pleased to appoint an arbitrator for the purpose of adjudication of disputes arising out of Memorandum of Understanding dated 08-09-2021 through Arbitration.

IA NO: 1 OF 2024

Petition under Order 5 Rule 20 R/w Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to order for substitute service of summons against the respondent no.2 and 5 in Andhra Jyothi and Hindu (Ranga Reddy Addition)and Andhra Jyothi regional news paper by way of publication in the above case.

Counsel for the Applicants: Mr. G. KALYAN CHAKRAVARTHY

Counsel for the Respor dents: Ms. MADHAVI PRIYA MANTENA

The Court made the following: ORDER

THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE

ARBITRATION APPLICATION No.150 of 2024

ORDER:

Mr. G. Kalyan Chakravarthy, learned counsel appears for the applicants.

Ms. Madhavi Priya Mantena, learned counsel appears for the respondents.

2. This application under Section 11(5) and (6) of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as 'the Act') has been filed seeking appointment of an Arbitrator to adjudicate the dispute between the parties.

3. Admittedly, the parties had entered into Memorandum of Understanding dated 08.09.2021. Clause 12 of the aforesaid Understanding contains arbitration clause, which is extracted below for the facility of reference.

"12. In case of any dispute arising out of or in connection with this agreement shall be dealt with by way of arbitration. The place, seat and venue of arbitration shall be at Hyderabad. The courts at Hyderabad shall have exclusive jurisdiction. The language of arbitration shall be English. The proceedings of arbitration shall be governed by the provisions of The Arbitration and Conciliation Act, 1996

along with any other statutory amendments already made or to be made. The decision of the arbitrator shall be final and binding on the parties.”

4. The applicants got issued a legal notice to the respondents on 01.11.2022 and the respondents sent a reply to the aforesaid legal notice on 19.12.2022.

5. Admittedly, the dispute has arisen between the parties in relation to the aforesaid Understanding. The adjudication of the dispute is therefore necessitated by a forum which has been agreed to by the parties under the aforesaid Agreement.

6. Therefore, Mr. Justice A. Rajasheker Reddy, a former Judge of this Court (Resident of Plot No.22A, Road No.12, M.L.A. Colony, Banjara Hills, Hyderabad-33; Mobile No.8331010691), is appointed as an Arbitrator to adjudicate the dispute between the parties. The parties shall appear before the Arbitrator, along with a copy of this order. Thereupon, the sole arbitrator shall proceed with the arbitral proceedings in accordance with law.

7. Accordingly, the Arbitration Application is disposed of.

8. 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.

Sd/- K. SRINIVASA RAO
JOINT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

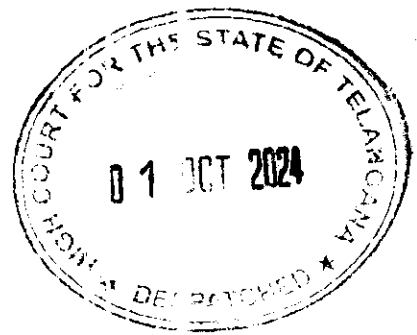
1. Mr. Justice A. Rajasheker Reddy, Former Judge, High Court for the State of Telangana at Hyderabad (Resident of Plot No.22A, Road No.12, M.L.A.Colony, Banjara Hills, Hyderabad-33; Mobile No.8331010691) (By **Special Messenger**) (Along with a Copy of affidavit and material papers)
2. One CC to Mr. G. KALYAN CHAKRAVARTHY, Advocate [OPUC]
3. One CC to Ms. MADHAVI PRIYA MANTENA, Advocate [OPUC]
4. Two CD Copies

kam/DL



HIGH COURT

DATED:20/09/2024



ORDER

ARBAPPL.No.150 of 2024

**DISPOSING OF THE
ARBITRATION
APPLICATION**

⑥ vw
30/9/24