

[3374]

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: 146 of 2024

Between:

Mr. Ronak Gupta, S/o. Late Mr. Vinod Gupta, Age: 38 years R/o. Villa No.39, Sri Aditya Casa Grande Narasingi, Ganidpet, Hyderabad – 500075.

...APPLICANT

AND

Kanishk Gupta, R/o Villa No.40 Aditya Casa Grande, Narsingi, Gandipet, Hyderabad – 500075.

...RESPONDENTS

Arbitration Application filed under Section 11 (6) of the Arbitration and Conciliation Act, 1996 R/w Scheme for Appointment of Arbitrator, 2000, praying that this Hon'ble Court may be pleased to kindly take the necessary measures for appointment of the arbitral tribunal in terms of the arbitration agreement contained in Clause 17 of the Partnership Agreement or a sole arbitrator to resolve the disputes between the Applicant and the Respondent arising out of the said agreement.

**Counsel for the Petitioner: Ms. B. NISHITHA, appears for
R.S. ASSOCIATES**

Counsel for the Respondent: Ms. D. NEEHARIKA REDDY

The Court made the following: ORDER

THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE

ARBITRATION APPLICATION No.146 of 2024

ORDER:

Ms. B. Nishitha, learned counsel appears for R.S. Associates, learned counsel for the applicant.

Ms. D. Neeharika Reddy, learned counsel appears for the respondent.

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 Partnership Deed dated 23.12.2013. Clause 17 of the aforesaid Deed contains arbitration clause, which is extracted below for the facility of reference.

"17. If during the continuance of the firm or any time after its dissolution any difference shall arise between the partners for the time being or any of the legal representatives or successors in interest of any other partners in regard to construction or meaning of any decision, act or thing relating to the said firms or the affairs thereof, such difference shall be referred to be arbitration or arbitrators: one to be appointed by each party, or to an empire to be chosen by the arbitrators before entering on

the consideration of the matters referred to them and every such reference shall be deemed to be arbitration subject to the law for the time being in force regarding arbitration.”

4. The applicant got issued a legal notice to the respondent on 23.03.2024 but the respondent failed to respond to the aforesaid legal notice.
5. Admittedly, the dispute has arisen between the parties in relation to the aforesaid Deed. 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 P. Naveen Rao, a former Judge of this Court (Resident of #3001, My Home Bhooja, Block-A, Plot Nos.22-24 & 31-33, Raidurgam, Ranga Reddy District – 500081; Mobile No.8374012311), 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/- C.V. MALIKARJUNA VARMA
JOINT REGISTRAR

//TRUE COPY//


SECTION OFFICER

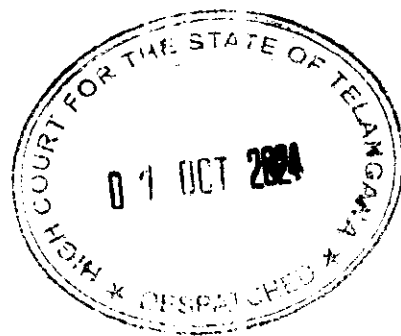
To,

1. Mr. Justice P. Naveen Rao, Former Judge, High Court for the State of Telangana at Hyderabad. Resident of #3001, My Home Bhooja, Block-A, Plot Nos.22-24 & 31-33, Raidurgam, Ranga Reddy District -- 500081; Mobile No.8374012311. **(By Special Messenger) (Along with a Copy of affidavit and material papers)**
2. One CC to R.S. ASSOCIATES, Advocates [OPUC]
3. One CC to Ms. D. NEEHARIKA REDDY, Advocate [OPUC]
4. Two CD Copies

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HIGH COURT

DATED:20/09/2024



ORDER

ARBAPPL.No.146 of 2024

DISPOSING OF THE
ARBITRATION
APPLICATION

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