

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: 189 of 2024

Between:

Raghavendra Industries, a Sole proprietary concern being carried on in the said name by its Proprietor Mr.P.Srinivasulu, having office at H.No.41/133, Sankarapuram, Kadapa - 516 002, Andhra Pradesh.

AND

...Applicants

Southern Power Distribution Company of Telangana Limited, Corporate Office, 4th Floor, Mint Compound, Hyderabad - 500 063. Rep. by its Chief General Manage (Projects)

...Respondent

Arbitration Application filed under Section 11 (4), (5) and (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 a Sole Arbitrator under Section 11 (4), (5) & (6) R/w. Section 10(2) of the Arbitration and Conciliation Act, 1996 for adjudicating the disputes that have arisen between the Applicant and the Respondent herein under the Agreement Form dated 09-04-2015 in respect of the project titled Conversion of LVDS to HVDS for selected agriculture feeders in (MLG OD) of Nalgonda district under 100% Turnkey basis' between them.

Counsel for the Petitioner: Mr. P. SOMA SEKHARA NAIDU

Counsel for the Respondent: None Appeared

The Court made the following: ORDER

THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE

ARBITRATION APPLICATION NO.189 of 2024

ORDER:

Heard Mr. P.Soma Sekhara Naidu, learned counsel for the applicant.

2. This application under Section 11(6) of the Arbitration and Conciliation Act, 1996 (briefly 'the A&C Act') has been filed seeking appointment of sole arbitrator to resolve the dispute between the parties.

3. Admittedly, the parties have entered into an agreement on 09.04.2015. Clause 25 of the General Conditions of Contract annexed thereto contains an arbitration clause, which is extracted below for the facility of reference:

"The arbitration shall be conducted in accordance with the arbitration procedure published by the institution named and in the place shown in the Contract Data."

4. The dispute had arisen between the parties. Therefore, the applicant sent a notice under Section 21 of the A&C Act to the respondent on 15.12.2023. Respondent filed reply on 16.03.2024. Thereafter, this application has been filed.

5. Despite service of notice, neither anyone has appeared on behalf of the respondent nor any counter is filed to oppose the prayer.

6. In a proceeding under Section 11(6) of the A&C Act, the Court has to satisfy itself whether the underlying contract contains an arbitration agreement, which provides for arbitration pertaining to disputes, which have arisen between the parties. In the instant case, on perusal of the agreement dated 09.04.2015, 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.

7. Therefore, Mr. Justice Challa Kodanda Ram (resident of Plot No.68, Road No.71, Phase III, Jubilee Hills, Hyderabad-34; Mobile No.8331010695), is appointed as sole arbitrator to adjudicate the dispute between the parties

8. Accordingly, the Arbitration Application is disposed of.
No costs.

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

As a sequel, miscellaneous petitions, pending if any, stand closed.

Sd/- M. VIJAYA BHASKER
JOINT REGISTRAR

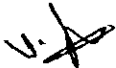
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SECTION OFFICER

To,

1. Mr. Justice Challa Kodanda Ram (resident of Plot No.68, Road No.71, Phase III, Jubilee Hills, Hyderabad-34; Mobile No.8331010695) **(By Special Messenger)(Along with a Copy of affidavit and material papers)**
2. One CC to Mr P. SOMA SEKHARA NAIDU, Advocate [OPUC]
3. Two CD Copies

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HIGH COURT

DATED:21/09/2024



ORDER

ARBAPPL.No.189 of 2024

**DISPOSING OF THE
ARBITRATION
APPLICATION**

⑥ VLV
20/9/24