

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: 98 of 2024

Between:

M/s. IVY REALITY-TECH PVT LTD., A Company registered under the Companies Act 2013, Having its Registered Office at Khajaguda, Hyderabad Represented by its Director Sri. Ravipati Sai Prasad.

...Applicant

AND

1. M/S. GREEN BUILD DEVELOPERS, A registered partnership firm, Having its Registered Office at Sy.No.154(P), Kokapet, Hyderabad Represented by its Partners.
2. Sri. Bhumireddygar Mohan Reddy, S/o. B. Muni Reddy, Age: 53 years, Occ: Business, R/o. H.No.5-108, Kattakindavuru, Yadamarri, Chittoor, Andhra Pradesh - 517422. Partner of M/s. Green Build Developers.
3. Sri. Yalapala Hanumantha Reddy, S/o. Y. Kesava Reddy, Age: 43 years, Occ: Business, R/o. H.No.2-167, Talamarla, Ananthapur, Andhra Pradesh -515133. Partner of M/s. Green Build Developers.

...Respondents

Arbitration Application Under Section 11(5) & (6) of Arbitration and Conciliation Act, 1996 r/w scheme for appointment of Arbitrator, 1996 for the reasons stated in the accompanying affidavit, praying that this Hon'ble Court may be pleased:

- i) To appoint a Sole Arbitrator to adjudicate the claims and disputes between the Applicant and Respondents arising out of the Memorandum of Understanding dated 12-07-2023.
- ii) To award costs of the application.

Counsel for the Petitioner: Mr. A. MUNEENDHAR REDDY, represents
Mr. B. SATISH KUMAR

Counsel for the Respondents: Mr. KRISHNA KISHORE KOVVURI

The Court made the following: ORDER

THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE

ARBITRATION APPLICATION No.98 of 2024

ORDER:

Mr. A. Maneendhar Reddy, learned counsel represents
Mr. B. Satish Kumar, learned counsel for the applicant.

Mr. Krishna Kishore Kovvuri, learned counsel for the
respondents.

2. This application is filed under Section 11(5) and (6) of
the Arbitration and Conciliation Act, 1996 seeking
appointment of an arbitrator to resolve the disputes between
the parties.

3. Facts giving rise to filing of this application briefly
stated are that the parties have entered into a Memorandum
of Understanding (for short "MOU") dated 12.07.2023.
Clause 19 of the aforesaid MOU contains an arbitration
clause, which is extracted below for the facility of reference:

"19. That in the event of any dispute arising
amongst parties, the same shall be referred to arbitration to
be conducted in accordance with the provisions of the
Arbitration and Conciliation Act, 1996, and the jurisdiction
of the Courts will be at Hyderabad. The venue of
arbitration shall be Hyderabad."

4. The dispute between the parties has arisen. Therefore, the applicant invoked the arbitration clause and sent legal notice on 19.10.2023. The respondents filed a reply to the aforesaid notice on 04.11.2023.
5. Learned counsel for the applicant submitted that clause 19 of the MOU contains an arbitration clause and the dispute has arisen between the parties which is required to be referred to an arbitrator.
6. On the other hand, learned counsel for the respondents has submitted that advance amount was given in the form of cheques and the applicant did not maintain sufficient balance in the account.
7. I have considered the submissions made by the learned counsel for the parties.
8. The dispute has arisen between the parties which requires resolution in the manner agreed to by the parties.
9. Therefore, Justice A. Santosh Reddy, a former Judge of this Court (resident of Plot No.46, H.No.16-2-740/46, Kalyan

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Nagar, Gaddiannaram, New Malakpet, Hyderabad - 500060,
Mobile No.9705053485) is appointed as sole arbitrator to
adjudicate the dispute between the parties.

10. Accordingly, the arbitration application is allowed.

Miscellaneous petitions, if any, shall stand closed.

Sd/- C.V. MALIKARJUNA VARMA
JOINT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. Justice A. Santosh Reddy, Former Judge, High Court for the State of
Telangana at Hyderabad (resident of Plot No.46, H.No 16-2-740/46, Kalyan
Nagar, Gaddiannaram, New Malakpet, Hyderabad - 500060, Mobile
No.9705053485). (By Special Messenger)(Along with a Copy of affidavit
and material papers)
2. One CC to Mr. B. SATISH KUMAR, Advocate [OPUC]
3. One CC to Mr. KRISHNA KISHORE KOVVURI, Advocate [OPUC]
4. Two CD Copies

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HIGH COURT

DATED:20/09/2024

ORDER

ARBAPPL.No.98 of 2024



**ALLOWING OF THE
ARBITRATION
APPLICATION**

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MMA
25/9/2024