

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**FRIDAY, THE TWENTY SEVENTH DAY OF SEPTEMBER
TWO THOUSAND AND TWENTY FOUR**

PRESENT

THE HONOURABLE THE CHIEF JUSTICE ALOK ARADHE

ARBITRATION APPLICATION NO: 156 OF 2024

Between:

HRH Next Services Private Limited, A Company incorporated under the provisions of Companies Act, Having its registered office at G J House, 2nd Floor, 4-1-976, Abids, Hyderabad, Represented by its Director, Mr. Ankit Shah.

...Applicant

AND

M/s. Masti Health Care and Beauty Pvt. Ltd, (Formally known as O2 Spa Salon Pvt Ltd.), A private limited company incorporated under The Companies Act, 2013 having its registered office at 8-2-293/82, O/o. Unit D, 4th Floor, Plot no. 57 and 68, S7M B park, 7, Survey No. 55-58, Lumbini Enclave, Gachibowli, Hyderabad, 500032.

...Respondent

Arbitration Application filed under Section 11 (5) (6) of the Arbitration and Conciliation Act 1996 praying that for the reasons stated in accompanying affidavit, the High Court may be pleased to appoint a sole Arbitrator as envisaged under Section 11 (5) of the Act for deciding the disputes in the present matter in the interest of justice.

Counsel for the Applicant : Ms. Apurva M Gokhale

Counsel for the Respondent : Sri Shreyas Reddy(None appeared)

The Court made the following: ORDER

THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE

ARBITRATION APPLICATION No.156 of 2024

ORDER:

Ms. Apurva M. Gokhale, learned counsel appears for the applicant.

None for the respondent though served.

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 Call Center Services Agreement dated 20.06.2018. Clause 11(b) of the aforesaid Agreement contains arbitration clause, which is extracted below for the facility of reference.

"11(b). Dispute Resolution: In the event of any dispute arising between the parties touching the meaning and construction of the covenants under this agreement or any claim or controversy arising out of this Agreement, the parties shall be mutually resolved and if the same is not resolved within 30 days from the date of receipt by one Party of a written notice from the other Party of the

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existence of the Dispute, then the matter shall, if mutually agreed upon by the parties, be submitted for arbitration in accordance with the Arbitration and Conciliation Act, 1996 before the sole arbitrator appointed mutually by the parties hereto. The award passed by the Arbitrator shall be final and binding upon the parties hereto. The construction and interpretation of this Agreement and any Award passed in pursuance of the arbitration proceedings shall be governed by the laws of India, without regard to its conflicts of law to give effectual discharge of the arbitral award. All arbitration proceeding shall be held at Hyderabad/Secunderabad, Andhra Pradesh, India in English language.”

4. The applicant got issued a legal notice to the respondent on 08.03.2023 and the same has failed to evoke any response.
5. Admittedly, the dispute has arisen between the parties in relation to the aforesaid Agreement. 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. B. Sathaiah, a former Principal District & Sessions Judge (Resident of Flat No.202, NMSK SADAN, Road No.5, Sainagar, Nagole, Hyderabad; Mobile No.9052620494), 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/- M. VIJAYA BHASKER
JOINT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. Sri B. Sathaiah, former Principal District & Sessions Judge (Resident of Flat No.202, NMSK SADAN, Road No.5, Sainagar, Nagole, Hyderabad; Mobile No.9052620494) **(along with a copy of affidavit and material papers) (By Special messenger)**
2. One CC to Sri Apurva M Gokhale, Advocate [OPUC]
3. One CC to Sri Shreyas Reddy, Advocate [OPUC]
4. Two CD Copies

ADK/gh

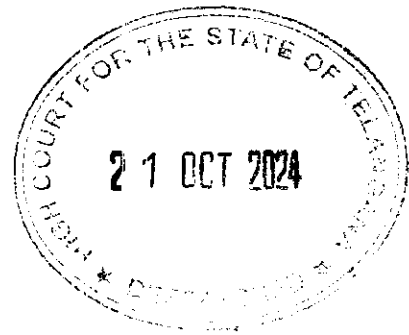
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HIGH COURT

DATED:27/09/2024

ORDER

ARBAPPL.No.156 of 2024



DISPOSING OF THE ARBITRATION APPLICATION

⑥ Copies

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21/10/24