

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

THURSDAY, THE FOURTEENTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE THE CHIEF JUSTICE ALOK ARADHE

I.A.No. 1 OF 2024

AND

I.A.No. 2 OF 2024

IN

ARBITRATION APPLICATION NO: 89 OF 2015

I.A.No. 1 of 2024

Between:

M/s Mission For the Interior, rep. by its President, Sri Benjamin Kommanapalli, S/o. K. Sudarshan Joseph, Age: 66 years, R/o. Santhosh Nagar, Mehidipatnam, Hyderabad-500028.

...Petitioner/Claimant

AND

1. M/S. Nexgen Educational Trust, rep. by Mr. T. Jayachand, S/o. Lakkshmi Perumallu, with its office at # 304, Kasstty Heights, Swamy Ayyappa Society, Khanamet village, Ranga Reddy District, Telangana State.
2. Sri Chaitanya Techno School,, rep. by Mr. T. Jayachand, S/o. Lakkshmi Perumallu, with its office at # 304, Kasstty Heights, Swamy Ayyappa Society, Khanamet village, Ranga Reddy District, Telangana State. (Present address)

...Respondents/Respondents

Petition under Section 29 A (4) of Arbitration and Conciliation Act, praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to extend the time for passing an award by the arbitrator excluding the delay that occurred for impounding the document by District Registrar, Bhimavaram, West Godavari District and later rejecting the same by dated 14/06/2024

I.A.No. 2 of 2024

Between:

1. Nexgen Educational Trust with its office at # 304, Kasetty Heights, Swamy Ayyappa Society, Khanamet village, Ranga Reddy District, Telangana State, Rep. by Managing Trustee T. Nagendra Kumar

2. Sri Chaitanya Techno School,, The Castle, Near Y.N.M. College, Narsapur - 534275, West Godavari District A.P.

...Petitioners/Respondents

AND

M/s Mission For the Interior, rep. by its President, Sri Benjamin Kommanapalli, S/o. K. Sudarshan Joseph, Age: 66 years, R/o. Santhosh Nagar, Mehidipatnam, Hyderabad-500028.

...Respondent/Claimant

Petition under Section 151 of CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to recall the appointment of arbitrator.

Counsel for Applicants : Sri P Surendra Babu

Counsel for the Respondent : Sri Eranki Phani Kumar

The Court made the following: ORDER

Mr. Eranki Phani Kumar, learned counsel for the applicant in I.A.No.1 of 2024 (respondent in I.A.No.2 of 2024).

Mr. P.Surendra Babu, learned counsel for the respondents in I.A.No.1 of 2024 (applicants in I.A.No.2 of 2024).

Heard on I.A.Nos. 1 and 2 of 2024.

Facts necessary for disposal of the aforesaid interlocutory applications are that the parties had entered into a lease deed dated 15.03.2010. The aforesaid lease deed contained an arbitration clause. The dispute had arisen between the parties. Thereupon, the applicant in I.A.No.1 of 2024 had filed an application under Section 11(5) and 11(6) of the Arbitration and Conciliation Act, 1996 viz., Arbitration Application No.89 of 2015.

A Bench of this Court, by order dated 18.08.2020, had allowed the aforesaid application and directed appointment of an arbitrator.

The Arbitral Tribunal commenced its proceedings. However, award could not be passed within the stipulated time.

Thereupon, I.A.No.1 of 2024 has been filed by the applicant in the arbitration application seeking extension of time to pass the award.

In view of law laid down by the Supreme Court in Chief Engineer (NH) PWD (Roads) v. BSC & C and C JV¹, learned counsel for the applicant in I.A.No.1 of 2024 seeks leave of this Court to withdraw the aforesaid IA with liberty to file the same before the competent court.

Learned counsel for the applicant in I.A.No.2 of 2024 submits that in the absence of a lease deed before the arbitrator, the arbitrator cannot proceed with the arbitration proceeding. Therefore, his appointment be recalled.

I have considered the submissions made by learned counsel for the parties and perused the record.

In view of the law laid down by the Supreme Court in Chief Engineer (NH) PWD (Roads) (supra), I.A.No.1 of 2024 is permitted to be withdrawn and the applicant in the said IA is permitted to file the same before the competent court.

So far as IA.No.2 of 2024 is concerned, it is open for the applicant in the said IA to raise all such contentions, which the Arbitral Tribunal is competent to decide under Section 16 of the A&C Act, in the proceedings before the arbitrator, in case the

competent court, in exercise of powers under Section 29A(4) of the A&C Act, extends the time limit for passing the award.

Accordingly, both the applications are disposed of.


Sd/- K. SRINIVASA RAO
JOINT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

1. The Hon'ble Sri M. Santha Raju, Plot No. 32/39 A and B, Flat No. 101, Anusri Heights, Sardarpatel Nagar, Nizampet X Roads, Kukatpallu, Hyderabad.
2. The Section Officer, O.S. Section, High Court for the State of Telangana at Hyderabad.
3. One CC to Sri Eranki Phani Kumar, Advocate [OPUC]
4. One CC to Sri P. Surendra Babu, Advocate [OPUC]
5. Two CD Copies

Njb 

HIGH COURT

DATED:14/11/2024



ORDER

I.A.Nos. 1 & 2 of 2024

In

ARBAPPL.No.89 of 2015

DISPOSING OF BOTH THE I.A's

*7 copies
R
20/11/24*