

**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

ARBITRATION APPLICATION Nos: 170 & 232 OF 2024

ARBAPPL. No. 170 of 2024

Between:

1. Sudha Jaiswal, D/o. Late Shri Kamta Pershad Jaiswal, Aged about 68 years, R/o.H.No.16-108/4/A, Sai Nagar Colony, Behind Bhatia Bakery, Alwal, Secunderabad - 500 050.
2. Rupender Raj Jaiswal, S/o. Late Shri Kamta Pershad Jaiswal, Aged about 65 years, R/o. H.No.3-1-396/A, Nimboliadda, Kachiguda, Hyderabad - 500 027. Presently Residing at Flat No.304, Prajay Mall, Gowliguda, Chaman, Hyderabad - 500 012.
3. Dharmendar Raj Jaiswal, S/o. Late Shri Kamta Pershad Jaiswal, Aged about 57 years, R/o.H.No. 15-3-7, Flat No. 304, Prajay Mall, Gowliguda, Chaman, Hyderabad - 500 012.

...Applicants

AND

M/s. Go Green Infra Projects, At D.No.1-11-22, 3rd Floor, Temple Alwal, Secunderabad - 500 010. Rep. by its Managing Partner, P. Venkat Rao S/o. P. Laxminarasimham

...Respondent

Arbitration Application filed under Section 11(6) of Arbitration and Conciliation Act, 1996 R/w. scheme for Appointment of Arbitrators, 1996 praying that this Hon'ble Court may be pleased to appoint independent and impartial arbitrator for resolution of disputes between the Applicant and Respondent arising out of Clause No.30 of the DAGPA, dt.19.04.2021 bearing Document No.6570/2021.

Counsel for Applicants : Ms. Vedula Chitralekha

Counsel for the Respondent : Sri K. Raghava Ramana

ARBAPPL. No. 232 of 2024

Between:

M/s. Go Green Infra Projects, Rep. by its Managing Partner, Mr. P. Venkata Rao, Having office at D.No.405, 4th Floor, A Block, Jain Friends Square, Suchitra X Roads, Kompally, Medchal Malkajgiri District, -500055.

...Applicant

AND

1. Sudha Jaiswal, D/o. Late Sri Kamta Pershad Jaiswal, Aged about 68 years, OCC- Housewife, R/o. H.No. 16-108/4/A, Sai Nagar Colony, Behind Bhatia Bakery, Alwal, Secunderabad-500015, Telangana State.
2. Sri Rupender Raj Jaiswal (R.R. Jaiswal), S/o. Late Sri Kamta Pershad Jaiswal, Aged about 64 years, Occ- Advocate, R/o H.No.3-1-396/A, Nimboli Adda, Kachiguda, Hyderabad, Telangana State-500027.
3. Sri Dharmender Raj Jaiswal, S/o. Late Sri Kamta Pershad Jaiswal, Aged about 56 years, Occ- Business, R/o H.No. 15-3-7, Flat No. 304, Prajay Mall, Gowliguda Chaman, Hyd-500012, Telangana State.

...Respondents

Arbitration Application filed under Section 11(5) & (6) of the Arbitration and Conciliation Act 1996 R/w. Scheme for Appointment of Arbitrator, 1996 praying that this Hon'ble Court may be pleased to appoint a Sole Arbitrator as envisaged under Section 11 (5) and (6) of the Arbitration and Conciliation Act 1996 DAGPA dt-19/04/2021 read with Para 2 of The Scheme of Appointment of Arbitrators, 2000 for adjudication of dispute between the Applicant and Respondents.

Counsel for the Applicant : Sri K Raghava Ramana

Counsel for Respondents : Ms. Vedula Chitralekha

The Court made the following: COMMON ORDER

THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE

ARBITRATION APPLICATION Nos.170 & 232 of 2024

COMMON ORDER:

Ms. Vedula Chitralkha, learned counsel for the applicants as well as respondents in Arbitration Application Nos.170 and 232 of 2024 respectively.

Mr. K. Raghava Ramana, learned counsel for the respondent as well as applicant in Arbitration Application Nos.170 and 232 of 2024 respectively.

2. These applications are filed under Section 11(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 these applications briefly stated are that the respondent in Arbitration Application No.170 of 2024 is a developer, whereas the applicants are the owners of the land. The parties have entered into a Development Agreement on 19.04.2021.

Clause 30 of the aforesaid agreement contains an arbitration clause, which is extracted below for the facility of reference:

“The parties hereto agree to settle any difference or dispute arising out of this agreement through arbitration under the provisions of the Arbitration and Conciliation Act of 1996 at Hyderabad.”

4. The dispute between the parties has arisen. Therefore, the applicants in Arbitration Application No.170 of 2024 have invoked the arbitration clause and sent a notice under Section 21 of the aforesaid Act on 18.06.2024. The respondent has submitted a reply to the aforesaid notice on 27.06.2024. Thereafter, the owners filed Arbitration Application No.170 of 2024. It is also pertinent to note that the developer has also filed Arbitration Application No.232 of 2024 seeking appointment of an arbitrator. Therefore, these applications are taken up together.

5. Learned counsel for the parties jointly submit that a sole arbitrator be appointed to adjudicate the dispute between the parties.
6. I have considered the submissions made on both sides.
7. The parties have entered into a development agreement which contains an arbitration clause. The dispute has arisen between the parties which requires resolution in the manner agreed to by the parties.
8. Therefore, Sri Justice A. Santosh Reddy, a former Judge of this Court (resident of Plot No.46, H.No. 16-2-740/46, Kalyan Nagar, Gaddiannaram, New Malakpet, Hyderabad - 500060, Mobile No.9705053485) is appointed as sole arbitrator to adjudicate the dispute between the parties.
9. The parties undertake to appear before the arbitrator on 30.11.2024 at 11:00 a.m. along with a copy of this order.

::4::

10. Thereupon, the sole arbitrator shall proceed with the arbitral proceedings in accordance with law.

11. Accordingly, the arbitration applications are allowed.

Miscellaneous applications pending, if any, shall stand closed. No order as to costs.

//TRUE COPY//

A.V.S.S.C.S.M. SARMA
JOINT REGISTRAR

SECTION OFFICER

To,

1. Sri Justice A. Santosh Reddy, Former Judge of Telangana High Court 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 Ms. Vedula Chitralekha, Advocate [OPUC]
3. One CC to Sri K. Raghava Ramana, Advocate [OPUC]
4. Two CD Copies

Njb/gh

(Signature)

HIGH COURT

DATED:14/11/2024



COMMON ORDER

ARBAPPL.Nos.170 & 232 of 2024

**ALLOWING BOTH THE
ARBITRATION APPLICATIONS**

⑥
22/11/24
lax