

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

**FRIDAY, THE TWENTY EIGHTH DAY OF FEBRUARY
TWO THOUSAND AND TWENTY FIVE**

PRESENT

THE HONOURABLE THE ACTING CHIEF JUSTICE SUJOY PAUL

ARBITRATION APPLICATION NO: 10 OF 2025

Between:

M/s Kailash Diagnostic & Rehabilitation Centre Pvt. Ltd., having its Registered Office at 5-4-183 to 199/44 to 52, Twin City Market Complex, MJ Market, Hyderabad - 500001 Rep by its Director, Dr. Mohan Gupta

...Applicant

AND

M/s Quality Care India Ltd, having its office at 6-3-248/2, Road No.1, Banjara Hills Hyderabad-500034 Rep by its Authorised Signatory, Director & CEO

...Respondent

Application under Section 11 (5) & (6) of the Arbitration and Conciliation Act, 1996 r/w Scheme for Appointment of Arbitrator, 1996 praying that the Hon'ble Court may be pleased to appoint a to appoint an Arbitrator as per the Arbitration clause No.12 of the Memorandum of understanding (MOU) dated 01/09/2008 between the applicant and the respondent herein and refer for arbitration to resolve the disputes and / or differences that have arisen between the applicant and the respondent herein.

Counsel for the Applicant : Sri D Venkata Padmaja

Counsel for the Respondent : - - -

The Court made the following Order :

THE HON'BLE THE ACTING CHIEF JUSTICE SUJOY PAUL

ARBITRATION APPLICATION No.10 OF 2025

ORDER:

Mrs. D. Venkata Padmaja, learned counsel for the applicant.

None for the respondent, despite service of notice.

2. This application under Section 11(5) and 11(6) of the Arbitration and Conciliation Act, 1996 has been filed seeking appointment of an arbitrator to adjudicate the dispute between the parties.

3. Admittedly, the parties have entered into a Memorandum of Understanding dated 01.09.2008. Learned counsel for the applicant drawn the attention of this Court on the arbitration clause which reads thus:

“12. **Arbitration:** All disputes between the Parties arising out of the matters mentioned above in this Memorandum of Understanding and other matters incidental to this Memorandum of Understanding, shall be resolved as per the provisions of the Arbitration and Conciliation Act, 1996 and statutory modifications thereto. The arbitration proceedings shall be conducted in the English language and the venue of arbitration shall be in Hyderabad, Andhra Pradesh, India.

The proceedings will be conducted by a single Arbitrator, who shall be appointed with the mutual consent of both Party of the First Part and the Party of the Second Part.”

4. When the dispute has arisen between the parties, the applicant got issued a legal notice to the respondent for

appointment of Arbitrator, but the same could not fetch any result.

5. Nobody has entered appearance for the respondent despite service of notice. It appears that there exists disputes between the parties which need to be resolved through Arbitration procedure, as per the dispute resolution clause.

6. Therefore, a former District Judge Mr. Veluri Ravi Kumar (resident of H.No.1-8-60/1, Flat G1, Archies Residency, Street No.11, Chikkadpally, Hyderabad; Mobile No.8332926258) is appointed as sole arbitrator to adjudicate the dispute between the parties.

7. The parties shall appear before the sole arbitrator on 15.03.2025 at 11:00 a.m. along with a copy of this order. Thereupon, the sole arbitrator shall proceed with the arbitral proceedings in accordance with law.

8. Accordingly, the Arbitration Application is **allowed**. No costs. As a sequel, miscellaneous petitions, pending if any, stand closed.

//TRUE COPY//

Sd/- K. SRINIVASA RAO
JOINT REGISTRAR

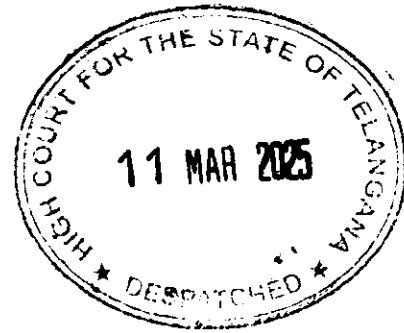
SECTION OFFICER

To,

1. Sri Justice Veluri Ravi Kumar, Former District Judge, R/o. H.No.1-8-60/1, Flat G1, Archies Residency, Street No 11, Chikkadpally, Hyderabad
[Along with the Copy of Material Affidavit and Papers]
[By Special Messenger]
2. One CC to Sri D Venkata Padmaja, Advocate [OPUC]
3. Two CD Copies

HIGH COURT

DATED:28/02/2025



ORDER

ARBAPPL.No.10 of 2025

ALLOWING THE ARBAPPL

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10/03/25
10/25