IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THURSDAY, THE FOURTEENTH DAY OF AUGUST TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE THE CHIEF JUSTICE APARESH KUMAR SINGH

ARBITRATION APPLICATION NO: 45 OF 2025

Between:

Dr. Sattu Ram Mohan Reddy, S/o. Sri S. Sree Krishna Reddy, aged about 62 years, Occ- Doctor, R/o H. No. 15-8-240/6/C, Malakpet, Hyderabad - 500036.

...Applicant

AND

M/s. Axis Homes Developers, A registered partnership firm, Represented by its partner, Mr. Vinod Kapoorchand Shah, R/o. 1st floor, Chandanbala Housing Co- op. Society, R.T. Road, Walkeshwar, Mumbai-400006.

...Respondent

Arbitration Application filed Under Section 11 (6) of the Arbitration and Conciliation Act, 1996 R/w Scheme for Appointment of Arbitrators, 2006 praying that in the circumstances stated in accompanying affidavit this Hon'ble Court may be pleased to :

1) To appoint a Sole Arbitrator on reasonable fees to resolve the disputes between the Applicant and the Respondent in relation to the Development Agreement cum General Power of Attorney dt. 05/08/2010, registered as document No. 2642 of 2010, with the Office of Sub- Registrar Serilingampally, executed between the Applicant and the Respondent herein.

2) To award costs of the Application.

Counsel for the Applicant : SRI AYUSH SANTHOSH representing SRI PURUSHOTAMLAAL

Counsel for the Respondent : ___

The Court made the following: ORDER

Heard Mr. Ayush Santhosh, learned counsel representing Mr. Purushotamlaal, learned counsel for the applicant.

The respondent has not appeared despite valid service of notice. Under the Development Agreement-cum-irrevocable General Power of Attorney, dated 05.08.2010, the applicant, who is the land owner, raised a dispute in respect of breach of the agreement against the developer and invoked arbitration clause No.17 by issuing notice on 18.01.2025 proposing to appoint an independent arbitrator. Despite service of notice, the respondent has not furnished any reply. Thereafter, the applicant has approached this Court by filing this application under Section 11(5) and (6) of the Arbitration and Conciliation Act, 1996 (for short, "the Act") for appointment of an independent arbitrator.

Learned counsel for the applicant submits that though the arbitration clause provides for a panel of arbitrators, the applicant has proposed for appointment of a sole arbitrator in notice dated 18.01.2025. It is submitted that this Court may appoint a sole arbitrator to adjudicate the dispute between the parties since the respondent has not appeared to object to the prayer.

Upon consideration of the submission of the learned counsel for the applicant and the pleadings and documents placed on record, it appears that the parties are under Development Agreement-cum-irrevocable General Power of Attorney executed on 05.08.2010 which provides for an arbitration clause No.17. The applicant has raised a dispute and sought cancellation of the agreement to the extent of unperformed portion i.e., development of the villas along with payment of quantified damages amounting to the tune of Rs.2,04,21,781/-. He has proposed the name of sole arbitrator instead of a panel of arbitrators in the notice dated 18.01.2025.

Therefore, the ingredients for appointment of an independent arbitrator have been made out. I hereby proposed to appoint Sri P. Kalyan Rao, retired District Judge, (residing at Flat No. 1007, Shree Kamala Group Luxurio 75 Residency, Narne Estate Road. Spring Valley, S.No.49, Madeenaguda, Serilingampalli, Kondapur, Ranga Reddy District, Telangana-84, Phone No.9966372333), as an independent Arbitrator to adjudicate the dispute between the parties. The proposed Arbitrator is requested to submit his consent and a declaration in terms of Section 12(1) read with Schedule VI of the Arbitration and Conciliation Act, 1996.

Registry is directed to communicate this order to the proposed Arbitrator.

The matter be listed after two weeks with the response, if any, of the proposed Arbitrator.

SD/- B.SATYAVATHI
JOINT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. Sri P. Kalyan Rao, retired District Judge, (Presiding at Flat No.1007, Shree Kamala Group Luxurio 75 Residency, Narne Estate Road, Spring Valley, S.No.49, Madeenaguda, Serilingampalli, Kondapur, Ranga Reddy District, Telangana-84, Phone No.9966372333) **(By Special Messenger) (Along with a Copy of affidavit and material papers)**
2. The section Officer, OS Section, High Court for the State of Telangana at Hyderabad
3. One CC to SRI PURUSHOTAMLAAL, Advocate [OPUC]
4. Two CD Copies

ADK/PSL

HIGH COURT

DATED:14/08/2025

Note to the OS Section : The Matter to be listed after 2 weeks



ORDER

ARBAPPL.No.45 of 2025

DIRECTION

GMT
20/8/25