

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

FRIDAY THE THIRTIETH DAY OF AUGUST
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE THE CHIEF JUSTICE ALOK ARADHE

ARBITRATION APPLICATION NO: 110 OF 2024

Between:

SRI.BHAGAWANTH REDDY KANDADI, S/O. LATE.SRI.KANDADI SWAMY
REDDY AGED ABOUT 53 YEARS, OCC BUSINESS R/O. H.NO.1-2-28/3,
STREET NO.4, KAKATIYA NAGAR, HABSIGUDA, HYDERABAD-500007
present address **...APPLICANT**

AND

1. MR. METTU MOHAN REDDY, SON OF METTU BAL REDDY H.NO.1-63/1,
NEMARA GOMULA, BAGDAYARA, JAMEELPET, YADADRI BHONGIR,
TELANGANA-508126
2. MR. METTU DILEEP REDDY, SON OF METTU BAL REDDY H.NO.1-63/1,
NEMARA GOMULA, BAGDAYARA, JAMEELPET, YADADRI
BHONGIR,TELANGANA508126.
3. MR.PANNALA PRATHAP REDDY, S/O. PANNALA PENTA REDDY H.NO.2-
53, AUSHAPUR, MEDCHAL MALKAJGIRI DIST., TELANGANA-501301
...RESPONDENTS

Arbitration Application for request to appoint an Arbitrator Under Section 11(4) and 11(6) of the Arbitration and Conciliation Act, 1996 R/W Scheme for appointment of Arbitrators, 1996 for the reasons stated in the accompanying affidavit, praying that this Hon'ble Court may be pleased to

A. Appoint an arbitrator on behalf of the applicant, under Clause 18 of the DEED OF PARTNERSHIP ADMISSION AND RECONSTITUTION on 27th February 2017 who would in turn appoint the arbitrator along with the arbitrator nominated by the respondent, to resolve the disputes between the Applicant and the Respondent arising out of the DEED OF PARTNERSHIP ADMISSION AND RECONSTITUTION on 27th February 2017

B. award costs of the present application to the Respondent.

**Counsel for the Petitioner : Mr. D.S. Divakar represents
Mr. Kota Kalpana**

**Counsel for the Respondents : Sri V Ramakrishna Reddy represents
Mr. V. Ramakrishna Reddy**

The Court made the following :

THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE

ARBITRATION APPLICATION No.110 of 2024

ORDER:

Mr. D.S. Divakar, learned counsel represents Mr. Kota Kalpana, learned counsel for the applicant.

Mr. A. Abhinandhan Reddy, learned counsel represents Mr. V. Ramakrishna Reddy, learned counsel for the respondents.

2. With the consent of the learned counsel for the parties, the matter is heard finally.

3. This application is filed under Section 11(5) and (6) of the Arbitration and Conciliation Act, 1996 seeking appointment of an arbitrator to resolve the disputes between the parties.

4. Facts giving rise to filing of this application briefly stated are that the applicant and the respondents have entered into partnership deed dated 27.02.2017 for running the partnership firm under the name and style of M/s. Arkid Infratech for carrying out stone crushing unit at

Nemaragomula Village, Bibinagar Mandal, Yadadri-Bhongir District.

5. Clause 18 of the aforesaid partnership deed contains an arbitration clause, which is extracted below for the facility of reference:

"18. Arbitration:

1. If any dispute or difference of any kind whatsoever shall arise between the partners, an attempt to amicably settle the same shall be made between the authorized representative of partner, failing which such disputes shall be finally, immediately settled by arbitration in accordance with the provisions of the Arbitration and Conciliation Act, 1996, and/or any re-enactment and amendments thereof. The parties herein also agree to constitute a one member panel for necessary arbitration proceedings appointed by all partners and such appointment of presiding arbitrator is in accordance with the relevant sections of the Indian Arbitration and Conciliation Act, 1996. Decision of arbitration panel is final, binding on all partners and cannot be challenged in Court of law.

2. The venue and jurisdiction of the arbitration proceedings shall be at Hyderabad, Telangana and the language shall be English."

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6. The dispute has arisen between the parties.

7. Learned counsel for the applicant submits that the applicant has invoked clause 18 of the partnership deed dated 27.02.2017 and has sent notice dated 25.10.2023 to which the respondents have not replied. Hence, this application has been filed.

8. On the other hand, learned counsel for the respondents submits that the dispute has not arisen between the parties under the partnership deed dated 27.02.2017.

9. Whether or not the dispute is covered under the aforesaid partnership deed is an issue, which can be examined by the arbitral tribunal. The dispute between the parties requires resolution in the manner agreed to by the parties.

10. Therefore, Mr. Y. Govinda Reddy, a retired District Judge (resident of Flat No.301, Bharath Enclave, Park Avenue Colony, Raja Rajeswara Colony, Kondapur, Hyderabad, or) Plot No.11, Beside Bharath Enclave, Park Avenue Colony, Rajarajeswara Nagar, Kondapur Hyderabad

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- 84 (Mobile No.9866372921)), is appointed as sole arbitrator to adjudicate the dispute between the parties. Needless to state that the respondents shall be at liberty to contend before the arbitrator that the dispute raised by the applicant is not covered under the arbitration clause.

11. Accordingly, the arbitration application is allowed.

Miscellaneous petitions, if any, shall stand closed.

Sd/- M. VIJAYA BHASKER
JOINT REGISTRAR

//TRUE COPY//


SECTION OFFICER

To,

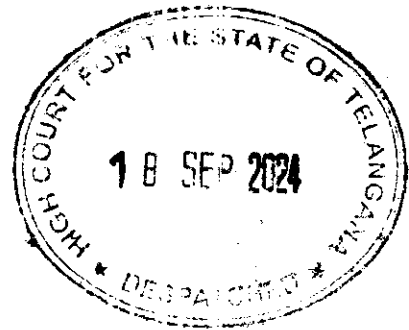
1. Mr. Y. Govinda Reddy, retired District Judge (Resident of Flat No. 301, Bharath Enclave, Park Avenue Colony, Raja Rajeswara Colony, Kondpur, Hyderabad, (or) Plot No. 11, Beside Bharath Enclave, Park Avenue Colony, Rajarajewswara Nagar, Kondapur, Hyderabad - 84 Mobile No. 9866372921) (By Special Messenger) (along with a copy of affidavit and material papers)
2. One CC to Mr. Kota Kalpana, Advocate [OPUC]
3. One CC to Mr. V. Ramakrishna Reddy, Advocate [OPUC]
4. Two CD Copies

DL/gh



HIGH COURT

DATED:30/08/2024



ORDER

ARBAPPL.No.110 of 2024

ALLOWING THE ARBITRATION APPLICATION

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18/9/2024