

IN THE HIGH COURT FOR THE STATE OF TELANGANA  
AT HYDERABAD

FRIDAY, THE TWENTY SEVENTH DAY OF SEPTEMBER  
TWO THOUSAND AND TWENTY FOUR

PRESENT

THE HONOURABLE THE CHIEF JUSTICE ALOK ARADHE

ARBITRATION APPLICATION NO: 130 OF 2024

**Between:**

1. Dacharaju Sireesha, W/o. Dacharaju Venkatarama Rao, aged about 49 years, Occupation: House Wife, R/o. Ligh 75, New Santoshnagar, Near Venkateshwara Swamy Temple, New Santoshnagar, Saidabad, Hyderabad 500059.
2. Dacharaju Sushma, D/o. Dacharaju Kishan Rao, aged about 38 years, Occupation: Software Employee, R/o. 231, Vemana Colony, Chanda Nagar, K.V. Rangareddy, Telangana 500050, currently residing in 217 E, Raleigh Drive, Chandler, USA-85286, Represented by her General Power of Attorney, Mr. Dacharaju Venkat Rama Rao, S/o Dacharaju Jaganatha Rao, Aged 55 years, Occ Government Employee, R/o Q. No.HIG.18 (A) H.No. 17-1-376/H/A/18, New Santhosh Nagar Colony (Near Venkateswara Swamy Temple), Hyderabad-500059.

... Applicants

**AND**

1. Sahithi Infratec Ventures India Private Limited, having its Registered Office at Plot No. 1222, H.No. 8-2-293/82/A/1222/F4, Fourth Floor, Road No. 36, Jubilee Hills, Hyderabad 500033, Telangana State, Represented by its Authorised signatory Mr. Eathamokkala Bhaskar Naidu, S/o. Sri Pandurangaiah Naidu Eathamokkala, aged about 53 years, Residing at Plot No. 1222, 4th Floor, Sahithi Sreshta, Road No. 36, Jubilee Hills, Hyderabad, Telangana 500033
2. M/s. Infinity Projects, Represented by its Proprietor Sri. Ashish Kumar Ahuja, S/o. Sunil Kumar Ahuja, aged about 25 years, Occ Business R/o. H.No. 6-3-596/72, Behind Hotel Taj Krishna Naveen Nagar, Banjara Hills, Erramanzil, Hyderabad 500034

... Respondents

Arbitration Application filed under Section 11 (6) of the Arbitration and Conciliation Act 1996 praying that for the reasons stated in accompanying affidavit, the High Court may be pleased to appoint a Sole Arbitrator for the purpose of adjudication of the disputes that have arisen between applicants and the Respondents in respect of the terms of the Agreement of Sale dated 10/07/2021.

**Counsel for the Applicants : Ms. V Soubhagya Valli representing  
Sri V Seetharama Avadhani**

**Counsel for the Respondent No.2 : Sri T Bala Mohan Reddy**

**The Court made the following: ORDER**

**THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE**  
**ARBITRATION APPLICATION No.130 of 2024**

**ORDER:**

Ms. V. Soubhagya Valli, learned counsel appears for Mr. V.S.R. Avadhani, learned counsel for the applicants.

Mr. T. Bala Mohan Reddy, learned counsel appears for respondent No.2.

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

3. Admittedly, the parties had entered into Agreement of Sale dated 10.07.2021. Clause 18 of the aforesaid Agreement contains arbitration clause, which is extracted below for the facility of reference.

"18. In case of any dispute arise between the parties, have to settle amicable in the event of any failure to settle the dispute or difference shall be referred to the arbitrator and the arbitration Proceedings will be conducted according to the provisions of the Indian Arbitration and Conciliation

Act, 1996. The arbitration award will be binding upon the both the parties and final. The place of the arbitration will be at Hyderabad and proceedings will be in English.”

4. The applicants got issued a legal notice to the respondents on 07.06.2023 and the same has failed to evoke any response.

5. Learned counsel for the applicants submits that the dispute has arisen between the parties and therefore, the arbitrator be appointed to adjudicate the dispute between the parties.

6. On the other hand, learned counsel for respondent No.2 submits that the aforesaid agreement is not signed by respondent No.2 and his signatures on the aforesaid agreement are forged. It is further submitted that the applicants have not complied with the requirements contained in Section 21 of the Act.

7. In a proceeding under Section 11(6) of the Act, this Court *prima facie* requires to determine the existence of the

arbitral agreement. The issue whether or not the agreement has been signed by respondent No.2 as well as the fact that whether or not the applicants have complied with the requirement under Section 21 of the Act can be examined by the Arbitrator.

8. Therefore, Mr. 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 an Arbitrator to adjudicate the dispute between the parties. The parties shall appear before the Arbitrator, along with a copy of this order. Needless to state that respondent No.2 shall be at liberty to raise the contention that the aforesaid agreement is forged and fabricated and the applicants have not complied with the requirements contained in Section 21 of the Act. Further, the Arbitrator before entering upon the reference shall adjudicate the aforesaid issues as preliminary issues. However, the sole arbitrator shall proceed with the arbitral proceedings in accordance with law.

9. Accordingly, the Arbitration Application is disposed of.

10. Office to communicate a copy of this order to the learned Arbitrator.

Miscellaneous applications, if any pending, shall stand closed. There shall be no order as to costs.

Sd/- M. VIJAYA BHASKER  
JOINT REGISTRAR

//TRUE COPY//

SECTION OFFICER

No,

1. Sri Justice A. Santosh Reddy, former Judge, High Court for the state of Telangana (Resident of Plot No.46, H.No.16-2-740/46, Kalyan Nagar, Gaddiannaram, New Malakpet, Hyderabad- 500060; Mobile No.9705053485) **(along with a copy of affidavit and material papers) (By Special messenger)**
2. One CC to Sri V Seetharama Avadhani, Advocate [OPUC]
3. One CC to Sri T Bala Mohan Reddy, Advocate [OPUC]
4. Two CD Copies

ADK/gh

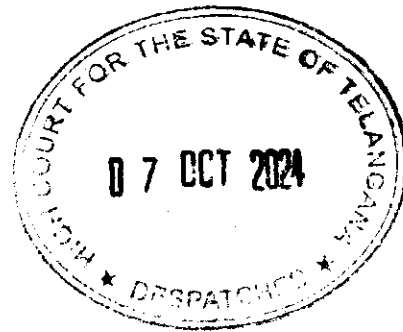


**HIGH COURT**

**DATED:27/09/2024**

**ORDER**

**ARBAPPL.No.130 of 2024**



**DISPOSING OF THE ARBITRATION APPLICATION**

⑥  
27/10/24  
LKS