

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD**

**FRIDAY, THE EIGHTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FOUR**

PRESENT

THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE

ARBITRATION APPLICATION Nos : 211 AND 227 OF 2024

ARBITRATION APPLICATION 211 OF 2024

Between:

M/s. Hira Multi Construction Ventures Private Limited, (Formerly known as Ms. Hira Management Consultants Private Limited), CIN U45209TG1 998PTCO29125, Regd. Office 3- 5- 784/2, King Kothi X Road, Hyderabad, Telangana - 500029, Represented by its Director and authorized persons Mr. Yahiya Khan, S/o. late Mohammed Khan, Aged about 52 years, Occ: Business, Res. 21- 4- 46/47, Hussaini Alam, Opp: Kaman, Hyderabad. ..Petitioner/ Applicant

AND

1. M/s. Kancharla Constructions Pvt. Ltd. , Having its registered office at Plot No. 2 and 3, Brundavan Colony, Gandipet Main Road Narsingi Village, Ranga Reddy District, Hyderabad, Telangana, India - 500075. .. Respondent No. 1
2. Mr. Kancharla Prithvi Reddy, Director, Kancharla Constructions Pvt. Ltd. , H. No. 6- 1- 72, Flat No. B - 301, Shree Maha Lakshmi Meadows, Lakdikapool, Hyderabad - 54. .. Respondent No.2
3. Mr. Kancharla Akash Reddy, Director, Kancharla Constructions Pvt. Ltd. , H. No. 6- 1- 72, Flat No. B - 301, Shree Maha Lakshmi Meadows, Lakdikapool, Hyderabad - 54. .. Respondent No. 3
4. Mr. Mirza Firasath Baig, S/o Mirza Rafat Baig, Aged About 65 yrs, R/o H. No 8- 3- 833/215, Kamalapuri Colony, Phase- 2, Yousufguda, Hyderabad.

...RESPONDENT No. 4

Arbitration Application Under Section 11 (5) & (6) of the Arbitration and Conciliation Act 1996 R/w. Scheme for Appointment of Arbitrators , 1996 praying that this Hon'ble Court may be pleased to

(a) Pass an Order under Section 11 (5) & (6) read with Section 15 of the Arbitration and Conciliation Act, 1996 to appoint an independent and impartial Sole Substitute Arbitrator to resolve and adjudicate disputes between the parties arising out of the Development Agreements cum General Powers of Attorney dated 29. 04. 2016 executed between the Applicant and the Respondents

Counsel for the Applicant : SRI. KONDAPARTHY KIRAN KUMAR

Counsel for the Respondents: SRI VADEENDRA JOSHI

ARBITRATION APPLICATION NO: 227 OF 2024

Between:

1. Mohammed Hadi Ali, S/o. Hadi Ali, Aged about 40 years, R/o. Door No. 3-5-784 / 2, King Koti, Hyderabad. .. Applicant No. 1
2. Mrs. Khatija Begum, W/o. Hadi Ali, Aged about 59 years, R/o. Door No. 3-5-784 / 2, King Koti, Hyderabad. .. Applicant No.2
3. Mr. Abdul Rahman, S/o. Hadi Ali, Aged about 39 years, R/o. Door No. 3-5-784/ 2, King Koti, Hyderabad. .. Applicant No. 3
4. Mrs. Huda Hadi Ali, D/o. Hadi Ali, Aged about 44 years, R/o. Door No. 3-5-784 / 2, King Koti, Hyderabad. .. Applicant No. 4

All the Applicants are currently residing at Riyadh, Kingdom of Saudi Arabia and are represented by their GPA Holder (i)Mr. Yahiya Khan, S/o. Late Mohammed Khan, Aged about 53 years, Occ. Business, R/o. 21 -4 -46/47, Hussaini Alam, Opp. Kaman, Hyderabad. (ii) Mohammed Irfan Mohiuddin Ghorri S/o Mohammed Subhan Ghorri Aged About 32 yrs, Occ. Services, R/o.20-7-487, Taleem Mallad, Inside Fathe Darwaza, Hyderabad.

AND

1. M/s. Kancharla Constructions Pvt. Ltd., , Having its registered office at Plot No.2 and 3, Brundavan Colony, Gandipet Main Road Narsingi Village, Ranga Reddy District, Hyderabad, Telangana, India - 500075. .. Respondent No. 1
2. Mr. Kancharla Prithvi Reddy,, Director, Kancharla Constructions Pvt. Ltd., H. No. 6-1-72, Flat No. B -301, Shree Maha Lakshmi Meadows, Lakdikapool, Hyderabad -54. .. Respondent No. 2
3. Mr. Kancharla Akash Reddy, Director, Kancharla Constructions Pvt. Ltd., H. No. 6-1-72, Flat No. B -301, Shree Maha Lakshmi Meadows, Lakdikapool, Hyderabad -54. ...RESPONDENT No. 3

Arbitration Application Under Section 11 (5) & (6) of the Arbitration and Conciliation Act, 1996 R/w. 15 (2) Scheme for Appointment of Arbitrators, praying that this Hon'ble Court may be pleased to:

(a) Pass an Order under Section 11(5) (6)read with Section 15 (2) of the Arbitration and Conciliation Act, 1996 to appoint an independent and impartial Sole Substitute Arbitrator to resolve and adjudicate disputes between the parties arising out of the 2 Development Agreements cum General Powers of Attorney, both dated 24/05/2016. and 10/08/2023 executed between the Applicants and the Respondents.

Counsel for the Applicant :SRI. KONDAPARTHY KIRAN KUMAR

Counsel for the Respondents: SRI VADEENDRA JOSHI

The Court made the following COMMON ORDER:

THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE

ARBITRATION APPLICATION Nos.211 and 227 of 2024

COMMON ORDER:

Mr. Kondaparthi Kiran Kumar, learned counsel for the applicants.

Mr. Vadeendra Joshi, learned counsel for the respondents.

2. These applications have been filed under Section 29A of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as "the Act") seeking extension of mandate of the Arbitrator.

3. It is not in dispute that the issue involved in these applications is covered by decision of Supreme Court in **Rohan Builders (India) Private Limited v. Berger Paints India Limited**¹.

¹ 2024 SCC OnLine SC 2494

4. In view of aforesaid enunciation of law, it is evident that the applications under Section 29(A) of the Act are not maintainable before this Court. However, liberty is reserved to the applicants to approach the competent Court as defined under Section 2(1)(e) of the Act.

5. With the aforesaid liberty, the Applications are disposed of.

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

Sd/- M. VIJAYA BHASKER,
JOINT REGISTRAR

SECTION OFFICER

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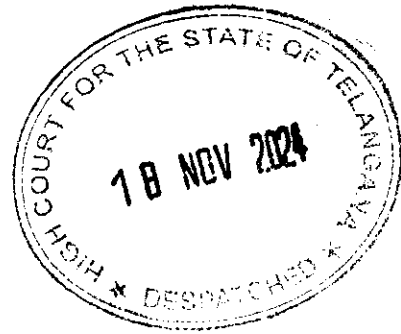
To

1. One CC to SRI. KONDAPARTHY KIRAN KUMAR, Advocate [OPUC]
2. One CC to SRI. VADEENDRA JOSHI, Advocate [OPUC]
3. Two CD Copies

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HIGH COURT

DATED:08/11/2024



COMMON ORDER

ARBITRATION APPLICATION Nos.211 and 227 of 2024

DISPOSING OF THE BOTH ARBITRATON APPLICATIONS

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Fr
18/11/24