

**ARBITRATION APPLICATION NO: 19 of 2023**

Gunti Nageswara Rao

...Applicant

Vs.

Kalpataruvu Chits and others

...Respondents

Advocate for Applicant : Dr. Sastry Jandhyala

Advocate for Respondents : Mr. P. Prabhakar
for Mr. Ghanta Sridhar**CORAM : THE CHIEF JUSTICE DHIRAJ SINGH THAKUR****DATE : 10th January 2025****P C :**

The present Arbitration Application has been filed under Section 11(5) of the Arbitration and Conciliation Act, 1996, for appointment of an Arbitrator to adjudicate upon the disputes arising out of and in connection with the Partnership Deed, dated 01.04.1992.

2. The disputes are stated to have arisen between the partners which are sought to be resolved through the mechanism of arbitration as was envisaged in terms of clause 15 of the Partnership Deed, which reads as under:

"15. Referring of Disputes to Arbitrators:

That all disputes and difference relating to the partnership or its dissolution or arising out of this deed between the parties to this

deed, or between their legal representatives, or between any them and their respective legal representatives; whether during the subsistence of partnership or at any time thereafter, shall be referred to arbitration in accordance with the provisions of Indian Arbitration Act, 1940 or if any modifications therein and the decision or award given by the arbitrators shall be binding on all the parties hereto.”

3. It is stated that a notice, dated 24.10.2022, was served upon the respondents invoking the arbitration clause and proposed the name of Mr. A. Radha Krishna, Retired District Judge, to settle the disputes and differences between the parties which, however, was not agreed to by the respondents, who, in turn, suggested the name of Mr. Gabbiti Sivarama Krishna Prasad as an Arbitrator, which too was not acceptable to the applicant.

4. Having failed to arrive at a consensus in regard to the choice of the arbitrator, the present application has been filed seeking the appointment of an Arbitrator to resolve the disputes.

5. Learned counsel for the respondents does not dispute the existence of the arbitration clause in the agreement and only seeks that their rights be reserved to raise all possible objections to the claims / counter-claims before the learned Arbitrator.

6. Be that as it may, the present application is allowed. Justice G. Shyam Prasad, former Judge of the High Court of Andhra Pradesh, is appointed as an Arbitrator, who shall enter upon the reference and adjudicate upon the disputes arising out of and in connection with the Partnership Deed,

dated 01.04.1992, and render the Award within the statutory period. The question of arbitrability of the claims is left open to be decided by the learned Arbitrator. The parties shall be free to file detailed claims and counter-claims, before the learned Arbitrator. The learned Arbitrator shall also be entitled to claim the fee in consultation with the parties, keeping in view the provisions of the Fourth Schedule of the Arbitration and Conciliation Act, 1996. No costs.

Pending miscellaneous applications, if any, shall stand closed.

A copy of this order be communicated to the learned Arbitrator on the address mentioned herein below:

Justice G. Shyam Prasad,
TEAK, Flat No.604, Raintree Apartments,
Nambur, Guntur,
Andhra Pradesh.
Ph# 8331044099

DHIRAJ SINGH THAKUR, CJ

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HON'BLE MR. JUSTICE DHIRAJ SINGH THAKUR, CHIEF JUSTICE

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Dt: 10.01.2025

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