

**THE HON'BLE SRI JUSTICE D. RAMESH**  
**ARBITRATION APPLICATION NO. 43 of 2021**

**ORDER:-**

This petition is filed under Section 11 (5) & (6) of the Arbitration and Conciliation Act, 1996 r/w Scheme for Appointment of Arbitrators, 1996.

2. The present application is filed seeking appointment of either nominee arbitrator of the respondent and applicant or by applying Court's discretion, a retired High Court Judge for constitution of Arbitration Tribunal for Arbitrating the disputes and the counter disputes arising out of the contract building works for HPCL at Visakha Refinery as per LOA PR 150000`29-HP-10128/KSD/JS-GR-A, dated 5.7.2016 and PO No. 16000169-OW-46009/Cht dated 10.8.2016.

3. The Applicant contends that the respondents are evading their obligations under the contract for ulterior motives and are non cooperating in referring the dispute to an arbitrator, in spite of a valid arbitration clause in the contract. Hence, the applicant /company is constrained to file this petition seeking to appoint an arbitrator to resolve the dispute.

4. After notice, the respondents filed Vakalat.

5. In view of the above, considering the submissions made by both the counsel, without going into the merits of the case, the application is disposed of by appointing Sri Thota Bhaskar Rao, Retired District Judge, as an arbitrator to the dispute between the parties.

6. The fee of the arbitrator as well as the other terms and conditions shall be settled by the parties in consultation with the arbitrator and the parties are at liberty to file their replies, pleadings and claims before the arbitrator as per the Rules.

7. The Registry is directed to send a copy of this order to Sri. Thota Bhaskar Rao, Retired District Judge.

8. Accordingly, the Arbitration Application is disposed of.

9. Miscellaneous applications pending, if any in the Arbitration Application, shall also stand closed.

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**D.RAMESH,J**

Date: 5.07.2022  
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