

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

WEDNESDAY, THE THIRTIETH DAY OF OCTOBER
TWO THOUSAND AND TWENTY FOUR

PRESENT

**THE HONOURABLE THE CHIEF JUSTICE ALOK ARADHE
AND
THE HONOURABLE SRI JUSTICE J SREENIVAS RAO**

CIVIL REVISION PETITION NOS: 3390 & 3394 OF 2024

CIVIL REVISION PETITION NO: 3390 OF 2024

Petition under Article 227 of the Constitution of India aggrieved by the Order dated 13-09-2024 made in I.A. No. 254 of 2023 in C.O.P. No. 18 of 2023 on the file of the Court of the Special Judge for Trial and Disposal of Commercial Disputes, Ranga Reddy District.

Between:

M/s. Brahma Teja Paper Products (BTPP), A Proprietary Concern, having Office at 11-9-256/1, Kothapet, Hyderabad - 500 035,

Rep. by its Sole Proprietor, P. Janaki W/o. P. Sreedhar, Aged about 54 years, R/o. Hyderabad

...Petitioner / Petitioner / Respondent No. 1

AND

1. The National Small Industries Corporation Ltd, (NSIC), Rep. by its Authorized Signatory and GPA Holder, S. Suresh, Senior Branch Manager

...Respondent / Respondent No. 1 / Petitioner

2. The Director of Social Welfare, Govt. of A.P. TG Plaza Building, Tadepalle, Guntur District, A.P. - 522 501
3. A.P. Social Welfare Residential Educational Institutions Society (APSWREI), Rep. by its Secretary, D.No.12-467-9, Moksha Sai Plaza, Service Road, Tadepalle, Guntur District - 522 501
4. Telangana State Micro & Small Enterprises Facilitation Council (TSMSMEFC), Rep. by its Chairman, Ranga Reddy Region, Office at District Industries Center, S-34, II Floor, integrated District - Officer Complex, Kongarakalan Village, Ranga Reddy District - 501 510

(Respondents 2 to 4 are not necessary parties to this CRP)

...Respondents / Respondent Nos. 2 to 4 / Respondent Nos. 2 to 4

IA NO: 1 OF 2024

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to Suspend the Order in IA No.254/2023 in COP No.18/2023, dt.13.09.2024, passed by the Court of Special Judge, Trial and Disposal of Commercial Disputes, R.R. District is suspended by this Hon'ble Court pending disposal of the CRP.

CIVIL REVISION PETITION NO: 3394 OF 2024

Petition under Article 227 of the Constitution of India aggrieved by the Order dated 02-09-2024 made in I.A. No. 5 of 2024 in C.O.P. No. 18 of 2023 on the file of the Court of the Special Judge for Trial and Disposal of Commercial Disputes, Ranga Reddy District.

Between:

M/s. Brahma Teja Paper Products (BTPP), A Proprietary Concern, having Office at 11-9-256/1, Kothapet, Hyderabad - 500 035, Rep. by its Sole Proprietor, P.Janaki, W/o. P. Sreedhar, Aged about 54 years, R/o. Hyderabad

...Petitioner / Respondent No. 1 / Respondent No. 1

AND

1. The National Small Industries Corporation Ltd. (NSIC), Rep. by its Authorized Signatory and GPA Holder, S.Suresh, Senior Branch Manager, 203, Sri Datta Sai Complex, RTC X Rd., Hyderabad

...Respondent No. 1 / Respondent / Petitioner / Petitioner

2. The Director of Social Welfare, Govt. of A.P. TG Plaza Building, Tadepalle, Guntur District, A.P. - 522 501
3. A.P. Social Welfare Residential Educational Institutions Society (APSWREI), Rep.by its Secretary, D.No.12-467-9, Moksha Sai Plaza, Service Road, Tadepalle, Guntur District - 522 501
4. Telangana State Micro and Small Enterprises Facilitation Council (TSMSMEFC), Rep. by its Chairman, Ranga Reddy Region, Office at District Industries Center, S-34, II Floor, integrated District - Officer Complex, Kongarakalan Village, Ranga Reddy District - 501 510



(Respondents 2 to 4 are not necessary parties to this CRP)

...Respondents / Respondent Nos. 2 to 4 / Respondent Nos. 2 to 4

Counsel for the Petitioner : **Mr Vedula Srinivas, Senior Counsel
Rep Ms Vedula Chitralkha
(in Both the CRPs)**

Counsel for the Respondent No. 1 : **Mr J Prabhakar, Senior Counsel
Rep Sri D Venkata Padmaja
(in Both the CRPs)**

The Court made the following Common Order :

THE HON'BLE THE CHIEF JUSTICE ALOK ARADHE

AND

THE HON'BLE SRI JUSTICE J.SREENIVAS RAO

CIVIL REVISION PETITION Nos.3390 and 3394 of 2024

COMMON ORDER: *(Per the Hon'ble the Chief Justice Alok Aradhe)*

Mr. Vedula Srinivas, learned Senior Counsel representing Ms. Vedula Chitralkha, learned counsel for the petitioner.

Mr. J.Prabhakar, learned Senior Counsel representing Ms. D.V.Padmaja, learned counsel for the respondent No.1.

2. With the consent of the learned counsel for the parties, the matters are heard finally.

3. C.R.P.No.3390 of 2024 is filed challenging the order dated 13.09.2024 passed in I.A.No.254 of 2023 in C.O.P.No.18 of 2023 and C.R.P.No.3394 of 2024 has been filed assailing the order dated 02.09.2024 passed in I.A.No.5 of 2024 in C.O.P.No.18 of 2023 by the Court of the Special Judge for Trial and Disposal of Commercial

Disputes, Ranga Reddy District at LB Nagar (hereinafter referred to as, "the Commercial Court").

4. It is not in dispute that a Bench of this Court by an order dated 19.06.2024 passed in Civil Revision Petition No.1543 of 2024 had directed the Commercial Court to decide both the application under Section 36 of the Arbitration and Conciliation Act, 1996, as well as the application seeking withdrawal of the amount together.

The operative portion of the said order reads as under:

"12. For the aforementioned reasons, impugned order dated 23.04.2024 is set aside. The learned Judge of the Commercial Court is directed to decide the aforesaid application along with petition under Section 36 of the Arbitration and Conciliation Act, 1996 after hearing the parties within a period of three weeks from the date of receipt of copy of the order passed today."

5. The Commercial Court has decided the applications by separate orders passed on 13.09.2024 and 02.09.2024 in contravention of the order dated 19.06.2024. For this reason alone, the impugned orders dated 13.09.2024 and 02.09.2024 are set aside. It is clarified that this Court has

not expressed any opinion on the merits of the case. The learned Judge of the Commercial Court is directed to decide the applications by a common order.

6. Accordingly, the civil revision petitions are disposed of.

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

Sd/- N. SRIHARI
ASSISTANT REGISTRAR /

//TRUE COPY//


SECTION OFFICER

To,

1. The Special Judge for Trial and Disposal of Commercial Disputes, Ranga Reddy District
2. One CC to Ms Vedula Chitralekha, Advocate [OPUC]
3. One CC to Ms D Venkata Padmaja, Advocate [OPUC]
4. Two CD Copies

VA



HIGH COURT

DATED:30/10/2024

COMMON ORDER

CRP.Nos.3390 & 3394 of 2024



DISPOSING OF BOTH THE CRPs

⑥ Copied

Sm
30/10/24