

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

FRIDAY, THE TENTH DAY OF APRIL
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE THE CHIEF JUSTICE APARESH KUMAR SINGH

ARBITRATION APPLICATION NO: 6 OF 2026

Between:

M. Surya Narayana Reddy, S/o Sri Venkata Subba Reddy, Aged about 59 years, Occ. Business R/o 1025, 25th Cross, MCECHS Layout, Dr. Shivaramakarnath Nagar, Bengaluru - 560077.

...APPLICANT

AND

1. Union of India, Rep. by the General Manager, South Central Railway, Rail Nilayam, Secunderabad - 500003.
2. Divisional Railway Manager (Works), South Central Railway, Nanded Division, Rail Vikas Sadan, Sangvi Naka, Airport Road, Nanded - 431605, Maharashtra.
3. Senior Divisional Engineer (Coordination), South Central Railway, Nanded Division, Rail Vikas Sadan, Sangvi Naka, Airport Road, Nanded - 431605, Maharashtra.
4. Senior Divisional Finance Manager, South Central Railway, Nanded Division, Rail Vikas Sadan, Sangvi Naka, Airport Road, Nanded - 431605, Maharashtra.

...RESPONDENT/S

Arbitration Application filed under Sub-Sections (5) & (6) of Section 11 of the Arbitration and Conciliation Act, 1996 in accordance with the Scheme for appointment of Arbitrators, 1996 praying that this Court may be pleased to –
to appoint an independent and impartial Sole Arbitrator to constitute the Arbitral Tribunal under Section 11(6) read with Section 11(5) of the Arbitration and Conciliation Act, 1996, in accordance with Clause 64 of the General Conditions of Contract (GCC), April 2022, and in terms of the Scheme for Appointment of Arbitrators framed by this Hon'ble Court, for adjudication of the disputes which have arisen between the Applicant and the Respondents arising out of Tender Contract

No. T-202324-2-064, culminating in Agreement No. SCR/NED/Civil/2023/0044 dated 28.12.2023, relating to the work of provision of Limited Height Subways at Level Crossings Nos. 91 and 92 in the AK - PAU Section of Nanded Division, South Central Railway.

Counsel for the Applicant : Ms. Gayathri

Counsel for the Respondents : Sri. K. Mohan

The Court made the following: ORDER

Ms. Gayathri, learned counsel for the applicant

Despite service of notice and indulgence granted thereafter on 13.03.2026, the respondents have not entered appearance. By order dated 23.01.2026, notice was issued upon the respondents. However, since no one has appeared on behalf of the respondents learned counsel for the applicant prays that this Court may proceed to appoint an independent arbitrator for adjudication of the dispute relating to unilateral termination of the contract.

The learned counsel for the applicant submits that a dispute exists on account of unilateral termination of the contract before the stipulated period and the applicant after exhausting the period of conciliation by invoking clause 63(2) of the General Conditions of Contract has sought appointment of an independent arbitrator. It has not waived off the applicability of Section 35 of the Arbitration and Conciliation Act, 1996 (for short, "the Act"). The applicant objects the unilateral appointment of an officer by the respondent Railways vide notice dated 08.09.2025 invoking arbitration clause.

In view of the above, ingredients for invocation of jurisdiction of this Court for appointment of an independent arbitrator is made out. In such circumstances, this Court proposes to appoint Sri Justice P. Swaroop Reddy, a former Judge of this Court (Resident of 253, Vessella Meadows, Opposite to Taramati Baradari, Ibrahim Road, Narsingi, Hyderabad, Mobile No.8978366991), as an independent arbitrator to adjudicate the dispute between the parties. The proposed Arbitrator is requested to submit his consent and a declaration in terms of Section 12(1) read with Schedule VI of the Arbitration and Conciliation Act, 1996.

Registry is directed to communicate this order to the proposed Arbitrator.

The matter be listed after three weeks with the response, if any, of the proposed Arbitrator.

SD/- K.SRINIVASA RAO
JOINT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. Sri Justice P. Swaroop Reddy, former Judge of High Court for the State of Telangana Resident of 253, Vessella Meadows, Opposite to Taramati Baradari, Ibrahim Road, Narsingi, Hyderabad, Mobile No. 8978366991 (**By Special Messenger) (Along with a Copy of affidavit and material papers)**
2. One CC to Ms. Gayathri, Advocate [OPUC]
3. One CC to Sri. K Mohan, Advocate [OPUC]
4. Two CD Copies

DL/PSL



HIGH COURT

DATED: 10/04/2026

ORDER

ARBAPPL.No.6 of 2026



DIRECTION

6 MT
17/4/26