

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

**FRIDAY, THE SEVENTEENTH DAY OF APRIL
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HON'BLE THE CHIEF JUSTICE APARESH KUMAR SINGH

ARBITRATION APPLICATION NO: 269 OF 2025

Between:

M/s Asha Construction, Having its principal place of business at, Navkar Parisar, GE Road, Near Shivrath Hyundai, Tatibandh, Raipur - 492099. Represented by its partner & authorized signatory, Mr. Ajay Jain.

...Applicant

AND

M/s. NMDC Limited, A Company Incorporated under Companies Act 1956, A Public Sector Company under Government of India enterprise, Having registered office at Khanij Bhawan, 10-3-311/A, Castle Hills, Masab Tank Hyderabad - 500028.

...Respondent

Arbitration Application under Section 11(6) of Arbitration and Conciliation Act, 1996 praying that this Hon'ble Court may be pleased to appoint a Sole Arbitrator for the purpose of adjudicating the claims and dispute between the Applicant and Respondent arising from the agreement/contract dated 18.11.2024, to award the costs of the application.

**Counsel for the Applicant: Mr. Ankit Singhal, counsel represents
Ms. Sheetal Srikanth**

Counsel for the Respondent: Mr. A. Kranti Kumar Reddy

The Court made the following: ORDER

Heard Mr. Ankit Singhal, learned counsel represents Ms. Sheetal Srikanth, learned counsel for the applicant and Mr. A. Kranti Kumar Reddy, learned counsel for the respondent.

Under the contract agreement dated 18.11.2024 for hiring of mining machineries for excavation of waste in North Block deposits of Donimalai Iron Ore Mine (DIOM), applicant-contractor has invoked the arbitration clause 47.2 for

appointment of an Arbitrator by service of notice dated 07.10.2025 upon the respondent. Respondent has not replied to the notice. Therefore, the applicant has approached this Court for appointment of an independent arbitrator under Section 11 (5) and (6) of the Arbitration and Conciliation Act, 1996.

Respondent has entered appearance and filed counter affidavit.

Learned counsel for the respondent submits that the respondent has proposed the names of three arbitrators, but the applicant wants an independent arbitrator to be appointed by this Court.

The arbitration clause 47.2 provides for appointment of a sole arbitrator, which reads as under:

"All disputes or differences which may arise between the owner and contractor in connection with this contract (other than those in respect of which the decision of any person is expressed in the contract to be final and binding) shall, after written notice by either party to the other and to the Chairman-cum- Managing Director of the NMDC Ltd., (who will be the appointing authority), be referred for adjudication to the sole Arbitrator to be appointed as hereinafter provided."

Respondent did not deny the existence of the dispute. In that case, the ingredients for invocation of the jurisdiction of this Court have been made out. There is contract agreement dated 18.11.2024 for hiring of mining machineries for excavation of waste in North Block deposits of Donimalai Iron Ore Mine (DIOM) between the applicant/contractor and the respondent/NMDC Limited. In respect of the dispute which arose between the parties, the applicant has invoked the arbitration clause 47.2 and approached this Court after service of notice on the respondent on 07.10.2025. The respondent has proposed its own set of three arbitrators. However, since the applicant is not agreeable to the names proposed by the respondent, this Court proposes to appoint Sri Justice P.Naveen Rao, a former Acting Chief Justice of this Court (Resident of #3001, My Home Bhooja, Block-A, Plot Nos.22-24 & 31-33, Rayadurgam, Ranga Reddy District, Mobile No.8374012311), 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.Naveen Rao, a former Acting Chief Justice, High Court for the State of Telangana at Hyderabad. (Resident of #3001, My Home Bhooja, Block-A, Plot Nos.22-24 & 31-33, Rayadurgam, Ranga Reddy District, Mobile No.8374012311) **(By Special Messenger)(Along with copy of affidavit and material papers)**
 2. The Section Officer, O.S.Section, High Court for the State of Telangana at Hyderabad.
 3. One CC to Ms. Sheetal Srikanth, Advocate [OPUC]
 4. One CC to Mr. A. Kranti Kumar Reddy, Advocate [OPUC]
 5. Two CD Copies
- KAM/BA



HIGH COURT

DATED: 17/04/2026

LIST AFTER THREE WEEKS

ORDER

ARBAPPL.No.269 of 2025



DIRECTION

(7) MT
21/4/26