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

FRIDAY, THE TWENTY FIRST DAY OF NOVEMBER TWO THOUSAND AND TWENTY FIVE

**PRESENT**

**THE HONOURABLE THE CHIEF JUSTICE APARESH KUMAR SINGH**

**ARBITRATION APPLICATION NO: 29 OF 2025**

**Between:**

M/s. CJ Infracon Private Limited, A Company incorporated under Companies Act, 2013 having its registered office at. Plot No. 2, Institutional Area, Lado Sarai, New Delhi - 110030 Represented by its Director and Authorised Signatory Jyotirmoy Daw, S/o. Late Anadi Nath Daw Aged 60 years, Occ. Business, R/o. P3/09, Tower 5, Silver City, Sector 93, Noida, U.P. - 201 304 Email. jyotirmoydaw@yahoo.com

**...APPLICANT**

**AND**

1. M/s. Machine Tools Aids (India), A Proprietary Concern Rep. by Sri. V.S.S.N. Murthy Raju Sagi Office at. H. No. 62 and 71/3RT, 201, Grande Towers, S. R. Nagar, Hyderabad - 500 038 Also at. Plot No. 83/B-3, Phase-I, I.D.A., Jeedimetla, Hyderabad - 500 055 Email. mtaindia@gmail.com
2. V.S.S.N. Murthy Raju Sagi, S/o. Venkata Rama Raju Sagi, Proprietor of M/s. Machine Tools Aids (India) Age 67 years, Occ. Business, R/o. C/o. H. No. 62 and 71/3RT, 201, Grande Towers, S. R. Nagar, Hyderabad - 500 038 Also at. Plot No. 83/B-3, Phase-I, I.D.A., Jeedimetla, Hyderabad - 500 055

**...RESPONDENTS**

Arbitration Application Under Section 11 (6) of the Arbitration and Conciliation Act, 1996 praying that this Hon'ble Court may be pleased to appoint sole arbitrator on behalf of both the parties for deciding the difference and disputes that arose between the Applicant and Respondents in respect of the Work Order dated 01/11/2017 and other subsequent work orders.

**Counsel for the Applicant : SRI. P. S. RAJASEKHAR**

**Counsel for the Respondents: SRI ALLURI DIVAKAR REDDY**

**The Court made the following ORDER:**

**THE HON'BLE THE CHIEF JUSTICE SRI APARESH KUMAR SINGH**

**ARBITRATION APPLICATION No.29 of 2025**

**ORDER:**

Heard Mr. P.S.Rajasekhar, learned counsel for the applicant and Mr. Alluri Divakar Reddy, learned counsel for the respondents.

2. By order dated 31.10.2025, this Court proposed to appoint Mr. Justice Abhinand Kumar Shavili, a former Judge of this Court as an independent Arbitrator to adjudicate the dispute between the parties. The order dated 31.10.2025 is extracted hereunder for easy reference:

> "Mr. P.S.Rajasekhar, learned counsel for the applicant.
>
> Mr. Alluri Divakar Reddy, learned counsel for the respondents.
>
> The work order dated 01.11.2017 (Ex.A.4), issued upon the applicant by respondent No.1 represented by its Proprietor (respondent No.2), contains Clause No.15, which provides for dispute resolution through arbitration by sole Arbitrator. Applicant has invoked the said arbitration clause *vide* notice dated 09.09.2024, in respect of certain disputes arising out of the work order, which remained unreplied.
>
> According to the applicant, it has also formally approached respondent No.2 to settle the dispute amicably by opening an Escrow account in Axis Bank in order to secure the payments due to its clients, which were to be released by the Greater Hyderabad Municipal Corporation (GHMC). However, respondent No.2 walked out from such agreement and left the applicant with no other option than to invoke the arbitration clause. Therefore, the applicant approached this Court under Section 11(5) and 11(6) of the

Arbitration and Concilliation Act, 1996, for appointment of an independent arbitrator.

Respondents have appeared on notice and filed a counter-affidavit.

Learned counsel for the respondents has referred to the contents of the counter-affidavit, which contain the merits of the dispute existing between the parties. Apart from that, he has submitted that efforts for amicable settlement were not made before invocation of the arbitration clause.

However, it appears from a perusal of the statement made in Para 14 of the arbitration application and Para 10 of the counter-affidavit that respondent No.2 has accepted that applicant had formally met him for opening of an Escrow account in Axis Bank, but the matter could not be resolved as the said Bank denied to open such an account because of existing Cash Credit account. Apart from that, the respondents have refused the allegation that they are defaulters in making the payments due to the applicant.

On consideration of the rival submissions of parties and on perusal of the aforesaid relevant records placed by both parties, this Court is of the view that ingredients for invocation of arbitration clause have been made out in a subsisting work order, which too provides for dispute resolution through arbitration. As such, this Court proposes to appoint Mr. Justice Abhinand Kumar Shavili, a former Judge of this Court, (Resident of Door No.10-3-555, Vijayanagar Colony, near Andhra Bank Chowrasta, Hyderabad- 57; Mobile No.9440896303) as independent Arbitrator to adjudicate the dispute between the parties.

The proposed Arbitrator is requested to submit a declaration in terms of 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.

Let the matter be listed after two weeks with the response, if any, of the proposed Arbitrator."

3. The proposed Arbitrator has submitted his consent along with a declaration under Section 12(1) read with Schedule VI of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as 'the Act') by letter dated 07.11.2025.

4. Learned counsel for the applicant, therefore, submits that appointment of the proposed Arbitrator may be confirmed.

5. In that view of the matter, I hereby appoint Mr. Justice Abhinand Kumar Shavili, a former Judge of this Court (Resident of Door No.10-3-555, Vijayanagar Colony, near Andhra Bank Chowrasta, Hyderabad- 57; Mobile No.9440896303), to act as an independent Arbitrator in respect of the dispute between the parties.

6. Registry is directed to serve a xerox copy of the entire pleadings to the learned Arbitrator. The learned Arbitrator is requested to keep in mind the fee prescribed in Schedule IV of the Act and the time limit prescribed under Section 29A of the Act.

7. The Arbitration Application is, accordingly, disposed of.

Miscellaneous applications pending, if any, shall stand closed.

**Sd/- K. SRINIVASA RAO**
**JOINT REGISTRAR**

**//TRUE COPY//**

**SECTION OFFICER**

**To**

1. Hon'ble Sri Justice Abhinand Kumar Shavili, a former Judge of High Court , R/o. Door No. 10-3-555, Vijayanagar Colony, near Andhra Bank Chowrasta, Hyderabad – 57; Mobile No. 9440896303 ( By Special Messenger ) ( along with a copy of affidavit and material papers)

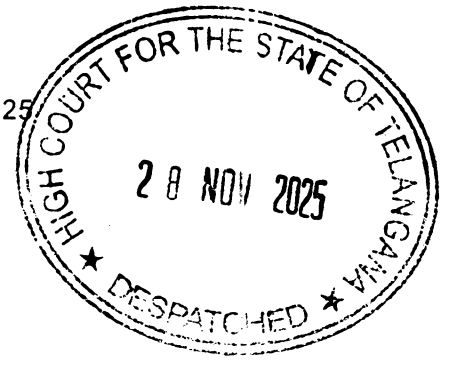
2. The S.O. O.S. Section High Court for the State of Telangana at Hyderabad.
3. One CC to SRI. P. S. RAJASEKHAR, Advocate [OPUC]
4. One CC to SRI. ALLURI DIVAKAR REDDY, Advocate [OPUC]
5. Two CD Copies

kul/pr

HIGH COURT
DATED:21/11/2025

ORDER

ARBITRATION APPLICATION No.29 of 2025




DISPOSING OF THE ARBITRATION APPLICATION

28/11/25