

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

**WEDNESDAY, THE THIRTIETH DAY OF DECEMBER
TWO THOUSAND AND TWENTY**

PRESENT

THE HONOURABLE SRI JUSTICE A. RAJASHEKER REDDY

ARBITRATION APPLICATION NO: 54 OF 2020

Between:

M/s Step up Enterprises, A partnership firm registered under the Partnership Act, having its Principal Place of Business at No.3/1228.F, Adhiyaman Street, V. Jettihalli Road, Vennampatti, Dharmapuri - 636 705 and having its branch office at No.20, Royal Garden Annex / Kattupakkam, Thiruvallur District, Chennai - 600 056 represented by its Director Business Development Sri K. Saravanan, S/o. S. Kathirvel.

...Applicant

AND

M/s Karvy Renewable Energy Projects Limited, A company incorporated under the Provisions of Companies Act, 2013, having its registered Office at Karvy Millennium - Plot No.31, Nanakramguda Financial District, Gachibowli, Hyderabad Rangareddy District - 500032, represented by its Chairman and Managing Director Sri C. Parthasarathy.

...Respondent

Arbitration Application under Section 11 (4) and (6) of the Arbitration and Conciliation Act, 1996, read with Scheme for Appointment of Arbitrators, praying that this High Court may be pleased

- I. "To appoint an arbitrator to adjudicate the claims and disputes between the Applicant and Respondent in respect to Work Order No.KREPL/WO/TSRTC / BOS/18-19/001A dt.20.09.2018
- II. To award the costs of application and
- III. To pass such other order or orders as the Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: SRI NADELLA VENKATESWARA RAO

Counsel for the Respondents: SRI ROHIT POGULA

The Court made the following: ORDER

HON'BLE SRI JUSTICE A. RAJASHEKER REDDY

ARBITRATION APPLICATION No.54 OF 2020

ORDER:

This Arbitration Application is filed under Section 11 (4) & (6) of the Arbitration and Conciliation Act, 1996 (for short "the Act") seeking to appoint an Arbitrator to adjudicate the claims and disputes between the Applicant and Respondent in respect of the work Order No.KREPL/WO/TSRTC/BOS/18-19/001A, dt.20.09.2018, and to award costs to the applicant.

2. The applicant company is a registered Partnership Firm under the Partnership Act and carrying on the business of supply of solar Products and allied services. The Respondent company is a company incorporated under the Companies Act. The applicant and the respondent entered into a work order for Supply, Installation and Commissioning of Solar Rooftop Power Plants vide Work Order dated 14.09.2018 and Amended Work Order dt.20.09.2018 (for short 'Agreement'). By the said Agreement, the applicant shall supply, install and commission the Solar Rooftop Power Plants at the sites specified by the Respondent company or its authorized personnel as per the specifications provided therein. The Agreement contains Arbitration clause, as per which the disputes between the parties shall be finally settled and governed by the provisions of the Arbitration and Conciliation Act, 1996 and the Arbitration Panel shall consist of three arbitrators, one to be appointed by each party and the third arbitrator shall be appointed by the two appointed arbitrators.

The applicant completed the works in accordance with the agreement and handed it over to the respondent. The applicant raised invoices for the work done by it. However, the respondent failed to pay the entire due amounts as claimed under the invoices. Subsequently, various communications were sent by the applicant to the respondent requesting for payment. Thereafter, in pursuance to the resolution clause, the applicant was constrained to issue an arbitration notice for the outstanding dues. The respondent sent his reply with some other allegations. They have neither come forward to appoint arbitrator from their side nor replied on the said aspect. Therefore, this Arbitration Application is filed seeking to nominate and appoint a Sole Arbitrator.

3. Heard Sri N. Venakteswara Rao, the learned counsel for the applicant and Sri Rohit Pogula, learned counsel appearing for the respondent.

4. At the time of arguments both the learned counsel state that a Sole Arbitrator may be appointed though the Arbitration clause in the Agreement provides for appointment of three Arbitrators.

5. In view of the said submission of both the learned counsel, this Arbitration Application is allowed, nominating Sri V. Seetharama Avadhani, (Retired District Judge) as the sole Arbitrator. It is open for both the parties to raise their respective claims before the Arbitrator.

6. The learned Arbitrator is entitled to fees as per the rates specified in the Fourth Schedule to the Act of 1996, inserted by Act 3 of

2016 with effect from 23-10-2015, which shall be borne by both parties in equal shares.

No order as to costs. Miscellaneous Applications, if any, pending in the Arbitration Application, shall stand closed.

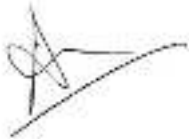
Sd/-B.S.CHIRANJEEVI
JOINT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. Sri V. Seetharama Avadhani, Retired District Judge, H.No. 305, Alekhya Residency, Vegetable Market Street, Nallakunta, Hyderabad-500044, (By Special Messenger)
(Along with a copy Arbitration Application affidavit and material papers filed with A.A)
2. One CC to Sri Nadella Venkateswara Rao, Advocate [OPUC]
3. One CC to Sri Rohit Pogula, Advocate [OPUC]
4. Two CD Copies



HIGH COURT

ARRJ

DATED:30/12/2020

ORDER

ARB.APPL.No.54 of 2020



ALLOWING THE ARBITRATION APPLILCATION WITHOUT COSTS

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RMA
11/01/2021