



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 10TH DAY OF JUNE, 2025

BEFORE

THE HON'BLE MR JUSTICE B M SHYAM PRASAD

CIVIL MISC. PETITION NO. 99 OF 2025

BETWEEN:

VENKU REDDY
PROPRIETOR,
AGED ABOUT 57 YEARS,
SON OF ANNAMREDDY
RAMAMANAREDDY
HAVING HIS PLACE OF
BUSINESS AT 8-3-833/K-1
TO 8/408, KRISHNA MEADOWS,
SRINAGAR COLONY,
HYDERABAD-500073.
TELANGANA STATE.

...PETITIONER

(BY SRI. HARSHITH N BALAKRISHNA, ADVOCATE)

AND:

1. SOUTH WESTERN RAILWAY
REPRESENTED BY ITS
GENERAL MANAGER,
HEAD QUARTERS OFFICE,
GADAG ROAD, HUBBALLI-560020.
2. THE SENIOR DIVISIONAL ENGINEER
NORTH BANGALORE DIVISION,
SOUTH WESTERN RAILWAY,
BANGALORE-560023.

...RESPONDENTS

(BY MS. ANUPARNA BORDOLOI.,ADVOCATE)





THIS CMP IS FILED UNDER SECTION 11(6) OF THE ARBITRATION AND CONCILATION ACT, 1996 PRAYING TO APPOINT AN ARBITRATION ON BEHALF OF THE RESPONDENT TO CONSTITUTE THE ARBITRAL TRIBUNAL TO ADJUDICATE THE DISPUTES ARISING OUT OF THE AGREEMENT NO. WR/SBC/CIVIL 2021/0040 DATED 13.08.2021 (ANNEXURE-A) BEARING TENDER NO. 3SBC21 AND HAVING LETTER OF AWARD BEARING 00912310035049 DATED 30.04.2021 AND THE U/S 63 & 64 GENERAL CONDITIONS OF CONTRACT (ANNEXURE-B) BETWEEN PARTIES HEREIN.

THIS PETITION, COMING ON FOR ADMISSION, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR JUSTICE B M SHYAM PRASAD

ORAL ORDER

This petition must be disposed of on a short canvass with most of the facts being undisputed. The petitioner has successfully participated in the process began by the respondent for awarding of contract, and the petitioner is issued with the Letter of Award dated 30.04.2021. The petitioner has raised certain claims which are examined by the concerned Officer



with the respondent to opine that out of ten claims, three claims [*claim Nos.2, 5 and 9*] would be arbitrable and the other seven claims [*claim Nos.1, 3, 4, 6, 7, 8 and 10*] are excepted matters and not arbitrable. The respondents, thereafter, have also caused Communication dated 25.09.2024 furnishing a panel of four Retired Officers calling upon the petitioner to suggest two names from such panel for due constitution of the Arbitral Tribunal.

The learned counsel for the petitioner submits that this Court must adjudicate on the decision to hold seven claims as aforesaid as not being arbitrable, but this Court must opine that the petitioner cannot succeed on this request when the test posited by the Apex Court in '**Indian Oil Corporation Limited v. NCC Limited**¹' is applied. However, the petition cannot be dismissed because there must be arbitration insofar as the three claims

¹ (2023) 2 SCC 539



[*claim Nos.2, 5 and 9*] that are held to be arbitrable even by the respondents but by the Tribunal which is constituted in terms of the respondents' Letter dated 25.09.2024.

In the light of the afore, the petition stands disposed of with liberty to the petitioner to communicate its choice of the two names from out of the panel within four weeks from today.

**Sd/-
(B M SHYAM PRASAD)
JUDGE**

AN/-