



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 21ST DAY OF NOVEMBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

CIVIL MISC. PETITION NO. 563 OF 2024

BETWEEN:

CONTAINER CORPORATION OF INDIA LTD
HAVING ITS REGISTERED OFFICE AT,
C-3, MATHURA ROAD, NEW DELHI-110076 AND
HAVING ITS BRANCH OFFICE AT
INLAND CONTAINER DEPOT, WHITEFIELD ROAD
BANGALORE-560066
REPRESENTED BY ITS CHIEF MANAGER,
SRI. B.BALAJI

...PETITIONER

(BY SRI. RAMESHA.K T, ADVOCATE)

AND:

KARNATAKA POWER CORPORATION LTD
HAVING ITS REGISTERED OFFICE AT NO.82,
SHAKTI BHAVAN, RACE COURSE ROAD
BANGALORE- 560001
REPRESENTED BY ITS MANAGING DIRECTOR

...RESPONDENT

(BY SRI. PRASHANTH S H, ADVOCATE)

THIS CMP IS FILED UNDER SECTION 11(5) OF ARBITRATION AND CONCILIATION ACT, PRAYING TO APPOINT AN INDEPENDENT ARBITRATOR AND TO REFER ALL CLAIMS AND DISPUTES ARISING OUT OF THE CONTRACT BEARING WORKORDER AND AGREEMENT DATED 01.07.2020 AS MENTIONED IN CLAUSE 24 BETWEEN THE PARTIES TO ARBITRATION, VIDE ANNEXURE A AND C AND ETC.,

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

CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

Digitally signed
by SHWETHA
RAGHAVENDRA
Location: HIGH
COURT OF
KARNATAKA



ORAL ORDER

1. The Petitioner is before this Court seeking for the following reliefs;

"A. To appoint an independent arbitrator and to refer all claims and disputes arising out of the contract bearing workorder and agreement dated 01.07.2020 as mentioned in clause 24 between the parties to arbitration, vide Annexure A And C.

B. Direct the Respondent to pay costs of the petition.

C. Pass any other Order/Orders as this Hon'ble Court deems fit in the circumstances of the case, in the interest of justice and equity."

2. The Arbitration Clause which has been relied upon by the Petitioner in terms of Clause 24, which is reproduced hereunder for easy reference:

"24.00 Dispute Resolution:

- i) At the first instance, settlement shall be attempted with the Appellate Authority i.e., Additional Chief Secretary, Dept. of Energy, Govt. of Karnataka.
- ii) In case the dispute is unresolved the agency has to approach the Arbitration Centre - Karnataka (Domestic and International), Bengaluru established under the aegis of the High Court of Karnataka.
- iii) In case the dispute is still unresolved then the agency has to approach the City Civil Courts in Bangalore, Karnataka State.
- iv) It is agreed that no other court shall have jurisdiction to entertain any suit or proceedings even though part



of the cause of action might arise within the jurisdiction of any such courts.”

3. A perusal of the Arbitration Clause indicates that a settlement shall be attempted with the Appellant Authority i.e., the Additional Chief Secretary, Department of Energy, Government of Karnataka as an initial pre-requisite.
4. Learned counsel for Respondent submits that the matter is still pending before the Additional Chief Secretary. If that be so, I am of the considered opinion that the above petition is not maintainable. Be that as it may, the said appeal cannot be pending for a long period of time. Hence, the Additional Chief Secretary, Department of Energy, Government of Karnataka, to dispose of the appeal within a period of 30 days from the date of receipt of certified copy of this order.
5. In the event of the Petitioner being not satisfied with the settlement and requiring to initiate arbitral



proceedings in terms of the afore extracted Clause, it is made clear that the Petitioner is required to approach the Arbitration Centre, Karnataka (Domestic and International), Bengaluru for appointment of an arbitrator and not this Court under Section 11 of the Arbitration and Conciliation Act, 1996. In such a situation, liberty is reserved to the Petitioner to approach the Arbitration Centre, Karnataka (Domestic and International), Bengaluru.

6. Petition stands disposed in terms of the above.

SD/-
(SURAJ GOVINDARAJ)
JUDGE

KTY
List No.: 1 Sl No.: 41