IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

FRIDAY, THE TWENTY FOURTH DAY OF APRIL TWO THOUSAND AND TWENTY SIX

PRESENT

THE HON'BLE JUSTICE MOUSHUMI BHATTACHARYA

ARBITRATION APPLICATION NO: 106 OF 2025

Between:

Suryadevara Sambasiva Rao, 40-25-41, Akhil Estates, KC Rao Street Patamatalanka, Vijayawada Andhra Pradesh-520010.

...Applicant

AND

Union of India, Rep. by

1. The General Manager South Central Railway, Rail Nilayam, Secunderabad Telangana-500025.
2. Additional Divisional Manager, Hyderabad Division, South Central Railway Secunderabad-500025.
3. The Divisional Engineer/Lines, Hyderabad Division, South Central Railway Secunderabad-500025.
4. The Senior Divisional Engineer/Coord., Hyderabad Division, South Central Railway Secunderabad-500025.

...Respondents

Arbitration Application under Section 11(6) of Arbitration and Conciliation Act, 1996 and rules framed thereunder praying that this Hon'ble Court may be pleased to appoint an independent judicial officer as sole arbitrator to resolve the disputes between the parties in respect of agreement dated 08.03.2022.

Counsel for the Applicant: Mr. Prasad Rao Vemulapalli

Counsel for the Respondents: Mr. V.T. Kalyan (SC FOR CENTRAL GOVT)

The Court made the following: ORDER

IN THE HIGH COURT FOR THE STATE OF TELANGANA AT HYDERABAD

THE HON'BLE JUSTICE MOUSHUMI BHATTACHARYA

ARBITRATION APPLICATION No.106 of 2025

DATE: 24.04.2026

Between:

Mr. Suryadevara Sambasiva Rao

.....Applicant

AND

Union of India, Rep. by the General Manager,
South Central Railway Rail Nilayam, Secunderabad,
Telangana-500025 and 3 others

.....Respondents

Mr. Prasad Rao Vemulapalli, learned counsel appearing for the applicant.

Mr. V.T.Kalyan, the learned Standing Counsel for the respondents.

ORDER:

1. The present Arbitration Application has been filed under section 11(6) of The Arbitration and Conciliation Act, 1996, seeking appointment of an independent judicial officer as Sole Arbitrator for adjudication of the disputes between the parties in respect of Agreement dated 08.03.2022.

2. The Proceeding Sheet shows that this is the fourth occasion on which the matter has been taken up. The respondents were represented on each occasion and sought adjournment from time to time. Even today, the respondents seek an adjournment. In view of the repeated adjournments sought on behalf of the respondents, this Court deems it fit to proceed with the hearing of the Arbitration Application.

3. The Arbitration Agreement is contained in Clause 64(1)(i) of The General Conditions of Contract ('GCC') of South Central Railway. The dispute between the parties relates to Clause 46A.1 of GCC which provides for price variation during the execution of work. The applicant is a Contractor who was awarded the work of performing: (1) Mudkhed Junction-Secunderabad Junction (DN)-CTR(P)-1.050 km and amp Secunderabad Junction-Dhone Junction (SL)-CTR(P)-13.750 Km and amp (2) Secunderabad Junction-Dhone Junction (SL)-CTR(P)-7.600 km and amp (3) Secunderabad-Dhone sections: CTR(P) of Exg-52 kg/90 UTS rails on PSC 5 sleepers 1540 Nos/km density with new 60 kg/90 UTS rails on new PSC6 sleepers 1660 Nos./km for a length of 2.60 kms (By PQRS only) in connection with CTR (P) of 6.55 kms for a length of 2.60 km to be completed on or before 17.08.2022. The details of

the Agreement entered into between the parties would be evident from the records filed before this Court.

4. The applicant now claims price variation cost amounting approximately to Rs.70,00,000/-. Clause 64(1)(i) of the GCC provides for resolution of disputes through Arbitration.

5. The counter filed by the respondents does not contain any statement disputing the validity of the Arbitration Agreement. All the statements made in the counter relate to the merits of the dispute.

6. The petitioner invoked the Arbitration Clause on 30.12.2024. However, the respondents have failed to respond. In any event, whether the dispute involves excepted matters is an issue which is within the domain of the Arbitrator. The respondents have neither disputed the existence or validity of the Arbitration Clause in their counter affidavit nor advanced any submissions in that regard.

8. Hence, this Court is of the view that the Arbitration Application may be allowed and an Arbitrator be appointed for the adjudication of the disputes between the parties.

9. In the circumstances, Sri D. Hemanth Kumar (Retired District Judge), R/o. H.No. 8-3-1114/1/101, Flat No. 101,

Kanakadharas Ramakrupa Enclave, Keshav Nagar, Yellareddyguda, VTC: Khairatabad, PO: Srinagar Colony, Hyderabad – 500073, Mobile No.830928073, is appointed as sole Arbitrator to adjudicate the dispute between the parties. The parties shall appear before the Sole Arbitrator on 08.05.2026 at 11:00 A.M., along with a copy of this order. The Sole Arbitrator shall thereafter proceed with the Arbitral proceedings in accordance with law.

10. The parties are at liberty to raise all the contentious issues before the learned Sole Arbitrator. The fee of the Arbitrator as well as the other terms and conditions shall be settled by the parties in consultation with the Sole Arbitrator so appointed.

11. Arbitration Application No.106 of 2025 is accordingly allowed. All connected applications shall stand closed.

Sd/- M. VIJAYA BHASKER
JOINT REGISTRAR

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SECTION OFFICER

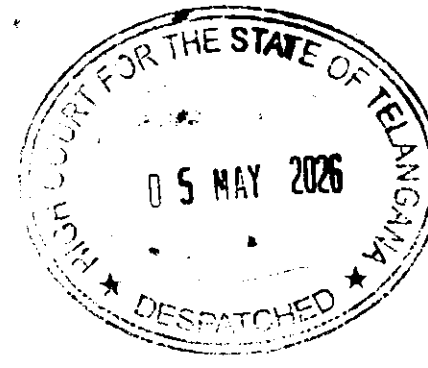
To,

1. Sri D. Hemanth Kumar (Retired District Judge), R/o H.No.8-3-1114/1/101, Flat No.101, Kanakadharas Ramakrupa Enclave, Keshav Nagar, Yellareddyguda, VTC: Khairatabad, PO: Srinagar Colony, Hyderabad - 500073, Mobile No.830928073. **(By Special Messenger)(Along with a Copy of affidavit and material papers)**
2. One CC to Mr. Prasad Rao Vemulapalli, Advocate [OPUC]
3. One CC to Mr. V.T. Kalyan (SC FOR CENTRAL GOVT) [OPUC]
4. Two CD Copies

KAM

HIGH COURT

DATED: 24/04/2026



ORDER

ARBAPPL.No.106 of 2025

ALLOWING THE ARBITRATION APPLICATION

(6) NT 5/5/26.