

**HIGH COURT OF JUDICATURE AT HYDERABAD  
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA PRADESH**

TUESDAY, THE FOURTEENTH DAY OF AUGUST,  
TWO THOUSAND AND EIGHTEEN  
: PRESENT:

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY  
AND  
THE HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

IA.No. 1 of 2018  
IN  
CMA.No. 306 of 2018

Between:

1. Senior Divisional Engineer (Coordination), South Central Railway, Hyderabad Division, Secunderabad – 500 071.
2. Union of India, rep .by the General Manager, South Central Railway, Rail Nilayam, Secunderabad.  
(Appellant No.2 is impleaded vide court order dated 14-08-2018 in IA.No. 2 of 2018 in CMA.No. 306 of 2018)

Petitioners  
(Appellants in CMA.No. 306/2018  
on the file of the High Court)

AND

1. M.Ganesh, S/o. Tirumala Rao, Railway Contractor, R/o. H.No. 19-92/2, Goutham Nagar, Malkajgiri, Hyderabad.
2. P.Veera Kumar, Deputy Chief Engineer, WS & F, 5<sup>th</sup> Floor, Rail Nilayam, South Central Railway, Secunderabad (Sole Arbitrator), (Retied from service and now presently Residing at Plot No. 60, East Anand Bagh, Beside Syndicate Bank, Hyderabad)

Respondents  
(Respondents in do)

COUNSEL FOR PETITIONERS: Sri C.V.Rajeeva Reddy

Petition under Section 151 of CPC praying that in the circumstances stated in the affidavit filed herein, the High Court may be pleased to grant stay of the Judgment and Decree and all further proceedings in Ar.O.P.No. 22 of 2010, dated 29-12-2017 on the file of the Court of the XII Additional Chief Judge, City Civil Court, Secunderabad, pending disposal of CMA.No. 306/2018 on the file of the High Court.

The Court while directing issue of notice to the Respondents herein to show cause why this petition should not be complied with, made the following order. (The receipt of this order will be deemed to be the receipt of notice in the case).

**ORDER:**

“ This application is filed for stay of all further proceedings in pursuance of order and decree, dated 29.12.2017, in Arbitration O.P.No.22 of 2010 on the file of learned XII Additional Chief Judge, City Civil Court, Secunderabad.

During the hearing, the learned counsel for respondent No.1 is asked to show as to how “the Court” as defined under Section 2(1)(e) of the Arbitration and Conciliation Act, 1996 (for short ‘the Act’) has jurisdiction to allow the claims made before the Arbitral Tribunal and rejected by it while dealing with the petition filed by the claimants for setting aside the arbitral award, under Section 34 of the Act. The learned counsel has requested for an adjournment for this purpose.

A perusal of the record, *prima facie*, shows that respondent No.1 preferred three claims before the Arbitral Tribunal out of which claim No.1 contains sub-claims. The Arbitrator awarded only claim No.1(II). Respondent No.1 has filed the aforesaid O.P. for setting aside the award in its entirety. He did not claim the relief of awarding of all the claims rejected by the Arbitral Tribunal. However, the Court below, while setting aside the award of the Arbitral Tribunal, allowed all the balance claims preferred before the latter. This in our, *prima facie*, opinion is wholly without jurisdiction.

..2..

Hence, there shall be interim suspension, as prayed for, pending further orders.

Post on 11.09.2018 for filing counter-affidavit.”

**SD/- K. TATA RAO**  
**ASSISTANT REGISTRAR**

// TRUE COPY //

for ASSISTANT REGISTRAR

To

1. The XII Additional Chief Judge, City Civil Court, Secunderabad.
2. M.Ganesh, S/o. Tirumala Rao, Railway Contractor, R/o. H.No. 19-92/2, Goutham Nagar, Malkajgiri, Hyderabad.
3. P.Veera Kumar, Deputy Chief Engineer, WS & F, 5<sup>th</sup> Floor, Rail Nilayam, South Central Railway, Secunderabad (Sole Arbitrator), (Retied from service and now presently Residing at Plot No. 60, East Anand Bagh, Beside Syndicate Bank, Hyderabad)  
(2 & 3 by RPAD)
4. The Section Officer, CMA Section, High Court, Hyderabad.
5. One CC to Sri C.V.Rajeeva Reddy, Advocate(OPUC)
6. Two spare copies.

SAH

HIGH COURT

CVNRJ & GSPJ

DATED: 14-08-2018

NOTE: POST ON 11-09-2018 FOR FILING  
COUNTER AFFIDAVIT

ORDER

IA.NO. 1 OF 2018  
IN  
CMA.NO. 306 OF 2018

INTERIM SUSPENSION

