

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

**WEDNESDAY, THE TWENTY NINTH DAY OF APRIL
TWO THOUSAND AND TWENTY SIX**

PRESENT

THE HONOURABLE JUSTICE MOUSHUMI BHATTACHARYA

ARBITRATION APPLICATION NO: 132 OF 2025

Between:

Utkarsh India Limited., (formerly known as Tubes and Pipes Ltd.) Rep by
Regional Head (Sales and Marketing-High Mast and Pole Division), Sri Pravin
Anand Aswar, R/o Arjavv Square, 95A, Elliot Road, 4th Floor, Kolkata- 700016,
India.

...Applicant

AND

Tata Projects Limited., Rep by Vice President and Head SCM, R/o Mithona
Towers- 1, 1-7-80 to 87, Prenderghast Road, Secunderabad- 500003 Also at 1st
Floor, Tower - 1, Okaya Centre, B-5, Sector-62, Noida- 201301, Uttar Pradesh.

...Respondent

Arbitration Application filed Under Section 11 (6) the Arbitration and
Conciliation Act, 1996 praying that in the circumstances stated in accompanying
affidavit this Hon'ble Court may be pleased to appoint a Sole Arbitrator for the
purpose of adjudicating the dispute regarding recovery of INR 30,89,885.75p and
accruing interest of INR 57,33,643/- till 31st March, 2025, future pendente lite
interest that is due and payable to the Applicant emerging from the Purchase Order
dated 24.10.2016.

Counsel for the Petitioner : Sri D Narendar Naik

Counsel for the Respondent : Ms. Shireen Sethna Baria

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.132 of 2025

DATE: 29.04.2026

Between:

Utkarsh India Limited

.....Applicant

AND

Tata Projects Limited

.....Respondent

Mr. D.Narendar Naik, learned counsel appearing for the applicant.

ORDER:

1. The present Arbitration Application has been filed under section 11(6) of The Arbitration and Conciliation Act, 1996, seeking an appointment of a Sole Arbitrator for adjudication of the disputes between the parties in respect of recovering of Rs.30,89,885.75 and accruing interest of Rs.57,33,643/- till 31st March, 2025,

future *pendente lite* interest that is due and payable to the Applicant emerging from the Purchase Order dated 24.10.2016.

2. The proceeding sheet dated 07.11.2025 shows that the respondent was represented and had sought for time to file a counter affidavit. The respondent was granted three (03) weeks time to file the same.

3. Learned counsel appearing for the applicant submits that the respondent has not filed any counter affidavit till date.

4. The Arbitration Clauses 13.1 to 13.5 are contained in a Purchase Order dated 24.10.2016 as specified under Clause 13.0 – Arbitration, issued by the respondent to the applicant for manufacture, fabrication, inspection, testing, packing and forwarding and supply of Tower Parts for Tower Package – PGCIL TWb1 for (i) Balance work of 400 kV D/C Silchar – Melriat line (ii) 132 kV D/C Silchar – Melriat T/L (iii) 132 kV D/C Melriat – Sihmui T/L & 132 kV D/C Melriat - Zembawk Transmission Line Projects.

5. As per Clauses 13.1 and 13.2 of the Purchase Order, the parties shall make every effort to resolve any disagreement or

dispute amicably by direct informal negotiation. If the parties fail to resolve the dispute after thirty (30) days from the commencement of such informal negotiations, the dispute shall be referred to a Sole Arbitrator, if the parties can agree upon one; otherwise it shall be referred to two Arbitrators, one to be appointed by each party and an umpire to be appointed by the two Arbitrators. The Arbitration shall be carried out in accordance with and subject to the provisions of the Arbitration and Conciliation Act, 1996, or any statutory modification or re-enactment thereof for the time being in force. The decision of the Arbitrator/Umpire shall be final and binding upon both parties.

6. Learned counsel appearing for the applicant has placed copies of several E-mails starting from 01.02.2021 to 22.02.2021 to show that the parties attempted to resolve the dispute in an amicable manner but were unsuccessful. Counsel also relies upon a Notice dated 22.02.2022 i.e., Demand Notice/Invoice demanding payment in respect of unpaid operational debt due from the respondent. The said Notice is issued by the applicant to the respondent under the provisions of The Insolvency and Bankruptcy Code, 2016 and the Rules framed thereunder.

7. The applicant finally issued a Notice dated 02.06.2022 for the appointment of an Arbitrator. However, the respondent has failed to respond till date. Upon hearing learned counsel appearing for the applicant, it is beyond doubt that an existing dispute remains between the parties regarding the payment of the outstanding amount claimed for services rendered by the applicant to the respondent in terms of the Purchase Order dated 24.10.2016.

8. The numerous E-mails spanning from 01.02.2021 to 22.02.2021 in fact shows that the respondent failed to make payment of the due amount by February 2021.

9. The Court is informed that the applicant obtained an interim order on 16.12.2025 in an application filed under section 9 of The Arbitration and Conciliation Act, 1996, with regard to freezing of the respondent's bank account. The respondent's account remains frozen to the extent of Rs.36,68,075.86 as on date.

10. Considering the fact that the dispute remains unresolved between the parties and is covered by the Arbitration Agreement executed by both the parties. This is a fit case where a Sole Arbitrator can be appointed.

11. In the circumstances, Sri Ch. Appala Narasimha Murthy, C-502, 'C' Block, Amsri Central Court Apartments, Near Secunderabad East Metro Station, Secunderabad-500026, Mobile No.9440760644, is appointed as Sole Arbitrator to adjudicate the dispute between the parties. The parties shall appear before the sole Arbitrator on 13.05.2026 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.

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

13. Arbitration Application No.132 of 2025 is accordingly allowed. All connected applications shall stand closed. There shall be no order as to costs.

SD/- M.VIJAYA BHASKER
JOINT REGISTRAR

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SECTION OFFICER

To,

1. Sri Ch. Appala Narasimha Murthy, C-502, 'C' Block, Amsri Central Court Apartments, Near Secunderabad East Metro Station, Secunderabad-500026, Mobile No.9440760644 **(By Special Messenger) (Along with a Copy of affidavit and material papers)**
2. One CC to SRI. D NARENDAR NAIK, Advocate [OPUC]
3. One CC to MS. SHIREEN SETHNA BARIA, Advocate [OPUC]
4. Two CD Copies

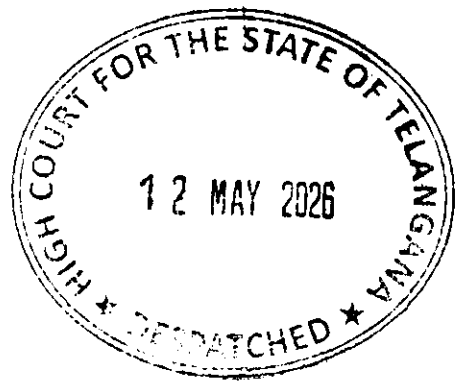
ADK/KA

HIGH COURT

DATED: 29/04/2026

ORDER

ARBAPPL.No.132 of 2025



**ALLOWING THE ARBAPPL
WITHOUT COSTS**

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12/5/26