



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 26TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE E.S.INDIRESH

CIVIL MISC. PETITION NO.254 OF 2024

BETWEEN:

1. KARNATAKA POWER TRANSMISSION
REGISTERED UNDER THE PROVISIONS OF
COMPANIES ACT REGISTERED
OFFICE AT CAUVERY BHAVAN,
REPRESENTED BY ITS
THE EXECUTIVE ENGINEER (ELE)
TL AND SS DIVISION,
KPTCL YARANDHALLI,
BENGALURU - 560099.

...PETITIONER

(BY SRI. H.V. DEVARAJU, ADVOCATE)

AND:

1. M/S TARAPUR TRANSFORMERS LIMITED
NO.836/837, 8TH FLOOR,
IJMIMA COMPLEX,
RAJEJA METROPLEX LINK ROAD,
MALAD WEST, MUMBAI 400064
ALSO AT: NO 201-204,
VIKAS CHAMBERS, LINKE AND
MARVE ROAD, MALAD (W),
MUMBAI - 400064 .

PRESENTLY AT: NO.105,
1ST FLOOR, RAJIV GANDHI
COMMERCIAL COMPLEX,
NEAR ATHARVA ENGINEERING COLLEGE,





EKTHA NAGAR, KANDIVALLI (WEST)
MUMBAI - 400067.
FACTORY AT NO.141,
PALLI VILLAGE WADA MANOR ROAD,
WADA TALUK, THANE DISTRICT,
MAHARASHTRA STATE - 421303.

REPRESENTED BY ITS
MANAGING DIRECTOR
SRI R K CHOUDHARY @
RAJENDRA KUMAR CHOUDHARY
TEL 02242728080 EMAIL
complianceofficer@tarapurtransformers.com email
accounts@tarapurtransformers.com email
finance@tarapurtransformers.com

...RESPONDENT

(BY SRI. PREREET JAIN B., ADVOCATE)

THIS CMP IS FILED UNDER SEC.11(6) OF THE
ARBITRATION AND CONCILIATION ACT, 1996 READ WITH
RULE 4 OF HIGH COURT OF KARNATAKA ARBITRATION
(PROCEEDINGS BEFORE THE COURTS RULES 2001) PRAYING
TO APPOINT SRI. BASAVARAJ S. TADHAL AS SOLE
ARBITRATOR AND OR IN THE ALTERNATE TREAT HIM AS
NOMINEE OF THE PETITIONER AND TO NOMINATE AND
APPOINT RESPONDENTS NOMINEE ARBITRATOR IN TERMS OF
CONTRACT AGREEMENT, DATED 24/02/2010 AND AS WELL AS
THE CLAUSE 48.0 AND 49.0 OF PART-I, SECTION -III OF THE
GENERAL TERMS AND CONDITIONS OF CONTRACT GCC OF THE



BID DOCUMENT, DATED 08/10/2009 ANNEXURES A AND B FOR
RESOLUTION OF DISPUTES BETWEEN THE PETITIONER AND
THE RESPONDENT.

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

CORAM: HON'BLE MR. JUSTICE E.S.INDIRESH

ORAL ORDER

1. Heard learned counsel appearing for the parties.
2. In this Petition, petitioner has sought for appointment of an Arbitrator in terms of Contract Agreement (Annexure-A) dated 24.02.2010 and Clause 48.0 and Clause 49.0 of Part-I Section-III of the General Terms and Conditions of the Contract (GCC) of the Bid document (Annexure-B) dated 08.10.2009, for resolution of the disputes between the parties.
3. Having taken note of the submissions made by the learned counsel appearing for the parties, the aforementioned Clauses provide for settlement of disputes between the parties, by an Engineer of the petitioner - statutory body and



thereafter, in the event of failure before the Engineer, the matter has to be referred to arbitration. In this regard, learned counsel appearing for the petitioner referred to the Judgment of the Hon'ble Supreme Court in the case of 'OFFSHORE INFRASTRUCTURES LIMITED Vs. M/S. BHARAT PETROLEUM CORPORATION LIMITED' reported in AIR 2025 SC 4774.

4. Learned counsel appearing for the respondent submitted that the condition precedent for appointment of an Arbitrator is that the matter has to be referred to and settled by an Engineer in the first instance and thereafter, in case of failure, the matter has to be resolved by appointing Arbitrators.

5. It is not in dispute that the General Terms and Conditions of the Contract provides for resolution of dispute by an Arbitrator as per Clause 48.0 and 49.0 of the document at Annexure-B. Following the declaration of law made by the Hon'ble Supreme Court in the above case, as the condition precedent for referring the matter to the Arbitrator, the parties have to be initially referred to the settler of the dispute i.e. Engineer who is an officer of the petitioner-statutory body, and therefore, I am of the view that, the Engineer being an in-



house personnel, the submission made by the learned counsel for the petitioner has to be accepted.

6. Further, the aforesaid Clause 49.0 provides for settlement of dispute by appointing three Arbitrators. In this regard, learned counsel submit that the parties have consented for settlement of dispute by appointing an Arbitrator. Therefore, I am of the opinion that appointment of an Arbitrator is necessitated under the provisions of the Arbitration and Conciliation Act, 1996. Accordingly, Hon'ble Justice Shri. Umesh M. Adiga, former Judge of this Court, is hereby appointed as the Hon'ble Arbitrator to resolve the dispute between the parties.

7. Since parties are represented through their learned counsel, the parties are directed to appear before the Arbitration and Conciliation Centre, Race Course Road, Bengaluru, on 21.04.2026 at 11.00 a.m. On appearance of the parties, Hon'ble Arbitrator is requested to dispose of the matters.



8. The Registry is directed to communicate this order to the Arbitration and Conciliation Centre, Bengaluru and also to Hon'ble Justice Shri. Umesh M. Adiga, former Judge of this Court, forthwith.

9. Accordingly, the Civil Miscellaneous Petition stands disposed of.

**SD/-
(E.S.INDIRESH)
JUDGE**

sac
List No.: 1 Sl No.: 24