



**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 26<sup>TH</sup> DAY OF MARCH, 2026**

**BEFORE**

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

**CIVIL MISC. PETITION NO.253 OF 2024**

**BETWEEN:**

1. KARNATAKA POWER TRANSMISSION  
CORPORATION LIMITED (KPTCL)  
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, 8<sup>TH</sup> FLOOR, IJMIMA COMPLEX,  
RAHEJA 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, 1<sup>ST</sup> 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  
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...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 NOMINATE AND 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 01/01/2016 AND AS WELL AS THE CLAUSE 48.0 AND 49.0 OF PART - 1, SECTION-III OF THE GENERAL TERMS AND CONDITIONS OF CONTRACT GCC OF THE BID DOCUMENT, DATED 20/03/2015 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 01.01.2016 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 20.03.2015, 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**

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List No.: 1 Sl No.: 23