

ITEM NO.15**COURT NO.5****SECTION XII-A****S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS****PETITION(S) FOR SPECIAL LEAVE TO APPEAL (C) NO(S). 19870-19871/2026**

[Arising out of impugned final judgment and order dated 02-04-2026 in ARBA No. 101/2025 27-02-2026 in ARBA No. 101/2025 passed by the High Court for the State of Telangana at Hyderabad]

BHARTIA INFRA PROJECTS LIMITED**PETITIONER(S)****VERSUS****M/S VISHWA SAMUDRA ENGINEERING PRIVATE LIMITED****RESPONDENT(S)****FOR ADMISSION****(IA No. 171190/2026 - EXEMPTION FROM FILING O.T.)****Date : 15-06-2026 These matters were called on for hearing today.**

**CORAM : HON'BLE MR. JUSTICE JOYMALYA BAGCHI
HON'BLE MR. JUSTICE VIPUL M. PANCHOLI
(PARTIAL COURT WORKING DAYS BENCH)**

**For Petitioner(s) Mr. Ankur Khandelwal, Adv.
Mr. Mohd Shahrukh Ali, Adv.
Mr. Chirag Sharma, Adv.
Mr. Alok Nayak, Adv.
Ms. Syed Tabeer Riyaz, AOR**

**For Respondent(s) Mr. Prasad Hegde, Adv.
Mr. Kailas Bajirao Autade, AOR
Mr. B Veera Swamy Raju, Adv.
Ms. Siri Swathi Katragadda, Adv.**

**UPON hearing the counsel the court made the following
O R D E R**

1. The petitioner has assailed the judgment and orders dated 02.04.2026 and 27.02.2026 passed by the Telangana High Court referring the dispute to arbitration under Section 11(6) of the Arbitration and Conciliation Act,

1996 (for short 'the Act').

2. The short issue which is raised before us is that

the Telangana High Court did not have jurisdiction to make such reference and that the Gauhati High Court was the appropriate forum. The work order had been issued from Guwahati and the entire work was to be executed there. As the cause of action had arisen in Guwahati, petitioner had approached Gauhati High Court for appointment of arbitrator. Telangana High Court failed to consider the law laid down in *Arif Azim Company Limited versus Micromax Informatics FZE* reported in 2025 (9) SCC 750 and erroneously allowed the Section 11 application, on the ground that it was filed earlier.

3. We have considered the aforesaid submissions.

Relevant arbitration clause reads as follows:

"ARBITRATION: Any dispute, controversy or claim arising out of or relating to or in connection with this Agreement, or the breach, termination or validity hereof shall be finally settled by arbitration in accordance with the Indian Arbitration & Conciliation Act, 1996 or any statutory modification therein. Any dispute shall be settled by arbitration presided by a sole arbitrator. The sole arbitrator shall be an independent person and shall be mutually appointed by the Parties. The Seat and Venue of the arbitration shall be Hyderabad, Telangana state or Guwahati, Assam state, and the language used in the arbitral proceedings shall be English.

This Agreement shall be governed by the laws of Republic of India and courts in Hyderabad shall have exclusive jurisdiction over matters relating to or arising from this agreement."

4. A holistic reading of the clause would show that though twin Seat/Venue of arbitration, that is, either

“Hyderabad, Telangana state or Guwahati, Assam State” is prescribed, the subsequent part of the clause unequivocally states that the courts in Hyderabad shall have exclusive jurisdiction over matters relating to or arising from this agreement. In paragraph 77.10 of *Arif Azim Company Limited* (supra), a three Judge Bench of this Court held if two or more possible places are designated as seat, the principles of *forum non conveniens* would apply. Such proposition of law though unexceptionable is inapplicable in the facts where the parties have themselves agreed to the exclusive jurisdiction of the Courts in Hyderabad in the arbitration clause itself. Party autonomy being of primary importance in interpretation of the arbitration agreement, we are of the considered view, the ratio in *Arif Azim Company Limited* (supra) is factually distinguishable where the supervisory jurisdiction of the Telangana High Court over the arbitration is clearly discernible from the clause itself.

5. In such view of the matter, we are not inclined to interfere with the impugned orders.

6. The Special Leave Petitions are accordingly dismissed. Pending application(s), if any, shall stand disposed of.

(Chetna Balooni)
Court Master (NSH)

(Geeta Ahuja)
Deputy Registrar