HC-KAR

NC: 2026:KHC:17444
CMP No. 09 of 2025

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.09 OF 2025

BETWEEN:

M/S. RAMACIVIL INDIA
CONSTRUCTION PRIVATE LIMITED
A COMPANY INCORPORATED UNDER THE PROVISIONS OF
THE COMPANIES ACT, 2013
HAVING THEIR REGISTERED OFFICE AT
BP-22, WEST PATEL NAGAR,
NEW DELHI-110008.
CIN: U45309DL2017PTC322038
EMAIL: RAMACIVILINDIA@GMAIL.COM
REPRESENTED BY AUTHORIZED SIGNATORY
MR. GAURAV NAGPAL

...PETITIONER

(BY SRI. N. VENKATESH KAMATH, ADVOCATE FOR

SRI. CHINTAN CHINNAPPA M.,ADVOCATE)

Digitally signed by AASEEFA PARVEEN
Location: HIGH COURT OF KARNATAKA

AND:

M/S. FINBIRD TECHNOLOGIES
PRIVATE LIMITED
A COMPANY INCORPORATED UNDER
THE PROVISIONS OF THE COMPANIES ACT, 2013
HAVING THEIR REGISTERED OFFICE AT
T20, A BLOCK, PRABHAVATI HEAVENS APARTMENT,
3RD CROSS, 1ST MAIN,
BTM STAGE 4, BENGALURU- 560076

ALSO AT:
B-4, 4-4, KUDREMUKH COLONY, 2ND BLOCK,
KORAMANGALA,
BENGALURU - 560034
CIN U74999KA2020PTC136548.
EMAIL SAPNANIJHAWAN@HOTMAIL.COM

…RESPONDENT

(BY SRI. TEJAS S. R., ADVOCATE)

THIS CIVIL MISC. PETITION FILED UNDER SEC.11(5)(6) OF ARBITRATION AND CONCILIATION ACT., PRAYING TO DIRECT THE APPOINTMENT OF SOLE ARBITRATOR INTERMS OF CLAUSE XXV OF THE I-REC AGREEMENT DATED 16.04.2024, FOR ADJUDICATING THE DISPUTES THAT HAVE ARISEN BETWEEN THE PETITIONER AND THE RESPONDENT IN RELATION TO THE I-REC AGREEMENT DATED 16.04.2024 IN PAGE 33 VIDE ANNEXURE B.

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

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

ORAL ORDER

Heard the learned counsels appearing for the parties.

2. In this petition, the petitioner has sought for appointment of an Arbitrator in terms of Clause 25 of the I-REC Agreement dated 16.04.2024 for adjudicating the dispute that

has arisen between the parties as per 'Annexure-B' to the petition, in accordance with the provisions of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as the 'Act').

3. The appointment of the Arbitrator was opposed by the learned counsel representing the respondent by stating that, the arbitration clause provides for the three member arbitrator for resolution of the dispute and also submitted that the nature of the dispute raised by the petitioner is not arbitral in terms of the judgment of the Hon'ble Supreme Court in the case of **M.R.Engineers and Contractors Private Limited Vs. Som Datt Builders Limited** reported in **(2009)7 SCC 696** and submitted that the petition requires to be dismissed.

4. In this regard, learned counsel appearing for the petitioner submitted that there is no impediment for appointing arbitrator for resolution of the dispute concerned.

5. Insofar as the second limb of the argument advanced by the learned counsel appearing for the respondent is concerned, I am of the view that by looking into the exchange of e-mails by the parties which requires to be

considered by the learned Arbitrator in the Tribunal and taking into consideration the Clause at 25, providing for the resolution of dispute by the three Arbitrator seat, I am of the view that the Arbitrators be appointed for resolution of the dispute concerned.

6. Hon'ble Smt.Justice Uma, former judge of this Court be appointed as an Umpire and the two Arbitrators Sri.S.R.Somashekhara and Sri.N.B.Kulkarni, the retired District Judges, have been appointed as remaining two Arbitrators for the resolution of dispute in terms of Clause 25 of the document produced under 'Annexure-B' to the petition.

7. All claims and contentions of the parties are kept open to be decided by the Arbitral Tribunal.

8. A copy of this order be sent forthwith to the Arbitration and Conciliation Centre, Khanija Bhavan, Bengaluru, for proceeding further in the matter.

9. Registry is directed to return all original documents produced by any of the parties after obtaining Photostat copies of the same.

10. Since the parties are represented through their learned counsel, in order to avoid further delay in the matter, the parties are directed to appear before the Arbitration and Conciliation Centre on 22.04.2026 at 11.00 a.m., without waiting for further notice in this regard.

11. After the completion of the dictation, both the learned counsels submitted in chorus that, parties are willing for appointing Sole Arbitrator. Therefore, accepting the submission of the learned counsel for the parties, Smt.M.G. Uma, former Judge of this Court be appointed as Sole Arbitrator to resolve the dispute in accordance with law.

With these observations, CMP is disposed off.

Sd/-
(E.S.INDIRESH)
JUDGE

AP
List No.: 1 Sl No.: 29