



CNR: KAHC010012642026

NC: 2026:KHC:49069
RP No. 9 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 9TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

REVIEW PETITION NO. 9 OF 2026 (-)

BETWEEN:

M/S SREENIDHI REALTORS
A PARTNERSHIP FIRM,
HAVING ITS OFFICE AT
NO. FF-3, KOVILA HOMES,
7TH MAIN, 18TH CROSS, B.T.M. 2ND STAGE,
N.S. PALYA, BENGALURU - 560 076,
REPRESENTED BY ITS MANAGING PARTNER
SRI R. DAMODARA REDDY,
AGED ABOUT 74 YEARS,
S/O LATE KRISHNA REDDY.

...PETITIONER

(BY SRI. GAJENDRA S.,ADVOCATE)

AND:

SRI C K SATISH
AGED ABOUT 50 YEARS,
S/O SRI C.V. KODANDARAMA SETTY,
RESIDING AT NO.208, GROUND FLOOR,
4TH CROSS ROAD, 2ND BLOCK, JAYANAGAR,
BENGALURU - 560 011.

...RESPONDENT

(BY SRI. PRASANNA KUMAR B T.,ADVOCATE)

THIS REVIEW PETITION IS FILED UNDER ORDER XLVII RULE 1
READ WITH SECTION 114 OF THE CODE OF CIVIL PROCEDURE,
1908 PRAYING TO REVIEW ORDER DATED 12.12.2025 PASSED IN
CMP NO.521/2025, IN THE INTEREST OF JUSTICE AND EQUITY AND
ETC.

Digitally signed
by SHWETHA
RAGHAVENDRA
Location: HIGH
COURT OF
KARNATAKA



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

CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

ORAL ORDER

1. The petitioner is before this Court seeking for the following reliefs:
 - a) *Review order dated 12.12.2025 passed in CMP No.521/2025, in the interest of justice and equity.*
2. By way of the above petition, what the petitioner is seeking for is a review of the order dated 12.12.2025 passed in CMP No. 521 of 2025 dismissing the said Civil Miscellaneous petition which had been filed under Section 11 of the Arbitration and Conciliation Act, 1996 seeking for appointment of an arbitrator.
3. Learned counsel for the petitioner would seek to contend that the cause of action arose on a different date than that which was considered by this court and therefore, if that cause of action were to be taken into consideration, the petition was within the



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period of limitation requiring this court to review the aforesaid order.

4. A co-ordinate Bench of this court in the case of **Electronic & Controls Power Systems Private Limited -v- WeP Peripherals**, vide order dated 22.08.2019, in Review Petition No. 38 of 2017 Act at para 28 has held as under:

- CONCLUSION

28. In view of the observations made by the Supreme Court in the aforesaid decision, according to the learned counsel for petitioner, since the Supreme Court is of the view that against any order passed by the Chief Justice of India or designated Judge the party will not have further remedy in respect of the orders covered and he will have to participate in the arbitration before the Tribunal only merits, cannot be a ground to file a review petition before this Court. The said judgment, in fact, has been considered by the Supreme Court in the case of State of West Bengal and others Vs. Associated Contractors, (2015) 1 SCC 32 relied on by the learned counsel for respondent. Therefore, the judgment relied on by the learned counsel for petitioner has no application to the facts and circumstances of the present case. Learned counsel for the petitioner has not pointed out to the Court with any provisions of the Act or any authority regarding maintainability of the review petition.

5. The Co-ordinate Bench is clear and categorical in holding that once an order is passed under Section



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11, the party will not have further remedy in respect to the orders passed and he would have to participate in the arbitration before the Tribunal and no review petition can be filed.

6. The Hon'ble Apex Court recently in **Hindustan construction Company Ltd -v- Bihar Rajya Pul Nirman Nigam Ltd and Others** (2026)3 SCC 264 at para 11.13 has observed as under:

"11.13. Once the Section 11 order had attained finality, the only remedies available to the respondents were to approach this Court under Article 136 or to raise objections under Section 16 before the arbitral proceedings, including joint applications under Section 29A, they were estopped from reopening the matter through review. A later judgment cannot revive a concluded cause of action."

7. The Hon'ble Apex Court is also clear and categorical in holding that once the Section 11 order has attained finality, the only remedies available to the aggrieved party was to approach the Hon'ble Supreme Court under Article 136 or to raise objections under Section 16 before the arbitral Tribunal and has gone on to hold that having chosen



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neither route and having participated in arbitral proceedings including joint application Section 29A, they were estopped from reopening matter through review. Thus, again holding that a review is not maintainable insofar as an order passed on an application/petition under Section 11 of the Arbitration and Conciliation Act.

8. In that view of the matter, the present application filed for review is not sustainable since this Court would not have jurisdiction to review the order passed under Section 11. Reserving liberty to the petitioner to challenge the same under Article 136 or to raise such issue or defence as the petitioner may intend before the Arbitral Tribunal, the petition stands ***dismissed***.

Sd/-
(SURAJ GOVINDARAJ)
JUDGE