



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 8TH DAY OF JULY 2026

BEFORE

THE HON'BLE MR. JUSTICE B M SHYAM PRASAD

CIVIL MISC. PETITION NO. 20 OF 2026

BETWEEN:

M/S DISHA ENGINEERING
A SOLE PROPRIETORSHIP CONCERN,
HAVING ITS OFFICE AT NO. 766,
1ST FLOOR, 1ST MAIN ROAD,
2ND PHASE, 6TH BLOCK,
BSK 3RD STAGE, BANGALORE 560 085.
REPRESENTED BY ITS PROPRIETOR,
MR. THIMMARAJU H.

...PETITIONER

(BY SRI. VIVEK G BALLEKERE., ADVOCATE)

AND:

THE UNION OF INDIA
BY CENTRAL PUBLIC WORKS
DEPARTMENT (CPWD) MYSORE,
NIRMAN BHAWAN, T NARASIPURA ROAD,
SIDDHARTHANAGAR,
MYSURU - 570011.
REPRESENTED BY THE EE MYSORE CPWD.

...RESPONDENT

(BY SRI. CHANDRACHUD A., ADVOCATE)

Digitally
signed by
VANAMALA N
Location:
HIGH COURT
OF
KARNATAKA



THIS CMP IS FILED U/S. 11(6) OF ARBITRATION AND CONCILIATION ACT 1996 PRAYING TO APPOINT A SOLE, INDEPENDENT, AND IMPARTIAL ARBITRATOR, SUCH AS A RETIRED JUDGE, OF THIS COURT OR ANY OTHER PERSON OF IMPECCABLE INTEGRITY, TO ADJUDICATE UPON THE DISPUTES THAT HAVE ARISEN BETWEEN THE PETITIONER AND THE RESPONDENT IN CONNECTION WITH AGREEMENT NO. 1/ADG/MYCD/2020-21 DATED 25.04.2020 VIDE ANNEXURE B ARBITRATION CLAUSE AS PER CLAUSE 25 OF THE GENERAL CONDITIONS OF CONTRACT WHICH IS HEREWITH PRODUCED AS ANNEXURE A.

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

CORAM: HON'BLE MR. JUSTICE B M SHYAM PRASAD

ORAL ORDER

The petitioner and the respondent are parties to a contract under which the respondent has assigned certain construction work to the petitioner. The petitioner asserts an actionable claim against the



respondent. This Court, on 04.06.2026, has formulated the following question which encapsulates the circumstances in which the petition must be decided.

“Should this Court appoint an arbitrator, or should the petitioner be relegated to remedy under Section 13 of the Arbitration and Conciliation Act, 1996 notwithstanding the termination of the arbitration during the pendency of these proceedings on the ground that the petitioner has not filed the claim petition.”

However, both Sri Vivek G.B., the learned counsel for the petitioner, and Sri A. Chandrachud, the learned counsel for the respondent, on instructions, submit that a technical person on the panel with the Bengaluru Arbitration and Conciliation Center could be appointed as a sole arbitrator to enter reference of the dispute between the petitioner and the respondent. In the light of the afore, the following:



ORDER

- [A]** The petition is allowed.
- [B]** Dr. G. Ashwatha Narayana, a former Secretary, PWD & Irrigation, Government of Karnataka, is appointed as the sole arbitrator to enter reference of the dispute between the petitioner and the respondent and conduct the proceeding at the Arbitration and Conciliation Centre (Domestic and International), Bengaluru according to the Rules governing the Centre. All questions are left open for due consideration.
- [C]** The Registry is directed to communicate this order [by *e-mail*] to the Arbitration and Conciliation Centre (Domestic and International), Bengaluru and also to Dr. G. Ashwatha Narayana, Address No. No.290/33, Maruthikrupa, 11th Cross,



4th Main, Mahalakshmi Layout,
Bengaluru - 560 086 [e-mail:
aswath1935@gmail.com] as required
under the Appointment of Arbitrators by
the Chief Justice of Karnataka High Court
Scheme, 1996.

[D] The submissions of the learned counsels
that the addresses of the parties as
mentioned in the cause title are also the
current addresses of the parties is taken
on record, and the parties are directed to
appear before the Director, Arbitration
Centre, Bengaluru on **31.08.2026** at
11.30 a.m.

Sd/-
(B M SHYAM PRASAD)
JUDGE

SA
Ct:sr