



NC: 2026:KHC:44976
WP No. 4956 of 2023

CNR: KAHC010109952023

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 20TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE M.G.S. KAMAL

WRIT PETITION NO. 4956 OF 2023 (GM-RES)

BETWEEN:

1. M/S DR RAJKUMAR ACADEMY FOR CIVIL SERVICES
A PARTNERSHIP FIRM,
HAVING ITS REGISTERED OFFICE,
AT NO.2952/E, 4TH FLOOR,
SREE RAMA JEWELS, SERVICE ROAD,
OPPOSITE TO MARUTHI MANDIRA,
VIJAYANAGAR, BANGALORE-560 040
[REPRESENTED BY ITS PARTNERS
PETITIONER NO.2,3 AND 4].
2. SRI GURU RAJKUMAR
S/O SRI MUTHURAJ RAGHAVENDRA RAJKUMAR
AGED ABOUT 29 YEARS
PARTNER AT M/S DR RAJKUMAR
ACADEMY FOR CIVIL SERVICES
HAVING HIS OFFICE
AT M/S DR RAJKUMAR ACADEMY FOR
CIVIL SERVICES
NO.2952/E, 4TH FLOOR
SREE RAMA JEWELS, SERVICE ROAD,
OPPOSITE TO MARUTHI MANDIRA,
VIJAYANAGAR,
BANGALORE-560 040.
3. SRI MUTHURAJ RAGHAVENDRA RAJKUMAR
S/O SRI MUTHURAJ
AGED ABOUT 57 YEARS
PARTNER AT M/S DR RAJKUMAR
ACADEMY FOR CIVIL SERVICES
HAVING HIS OFFICE
AT M/S DR RAJKUMAR
ACADEMY FOR CIVIL SERVICES

Digitally
signed by
SUMA B N
Location
HIGH COURT
OF
KARNATAKA



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NO.2952/E, 4TH FLOOR
SREE RAMA JEWELS, SERVICE ROAD,
OPPOSITE TO MARUTHI MANDIRA,
VIJAYANAGAR,
BANGALORE-560 040.

4. SMT SRIDEVI BYRAPPA
W/O GURU RAJKUMAR
AGED ABOUT 34 YEARS
PARTNER AT M/S DR RAJKUMAR
ACADEMY FOR CIVIL SERVICES
HAVING HIS OFFICE AT
M/S DR RAJKUMAR ACADEMY
FOR CIVIL SERVICES
NO.2952/E, 4TH FLOOR
SREE RAMA JEWELS, SERVICE ROAD,
OPPOSITE TO MARUTHI MANDIRA,
VIJAYANAGAR,
BANGALORE-560 040.

...PETITIONERS

(BY SRI. M D VASUSENA.,ADVOCATE)

AND:

1. SRI G N SREEKANTIAH
S/O G NANJUNDAIAH
AGED ABOUT 70 YEARS
R/A NO.1203, 8TH CROSS
ST STAGE, CHANDRA LAYOUT
BENGALURU-560 040.
2. SMT GIRIJA G K
W/O P C SRINIVAS
AGED ABOUT 50 YEARS
R/A NO.60
"SRI KRISHNA", KPA BLOCK
CHANDRA LAYOUT
BENGALURU-560 040.

...RESPONDENTS

(BY SRI. NAYANA TARA B.G.,ADVOCATE FOR R1;
SRI. HARISH V.S., ADVOCATE FOR R2)



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THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASHING TH DOCUMENT BY NAME AND STYLE ARBITRATION AWARD/ORDER PASSED BY ARBITRAL TRIBUNAL OF SHRI.GN SREEKANTIAH, MA LB,IFS(RETDF.) SOLE ARBITRATOR, DATED 03.11.2020 (ANNX-A) AND ETC.

THIS PETITION, COMING ON FOR PRELIMINARY HEARING IN 'B' GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE M.G.S. KAMAL

ORAL ORDER

1. Petitioners and the respondent No.2 were the partners of a firm known and called as "M/s. Dr.Rajkumar Academy for Civil Services", constituted in terms of deed of partnership dated 08.03.2017 as per Annexure-D. Clause 22 of the said deed of partnership provides for resolution of disputes amongst the partners through Arbitration according to the Arbitration and Conciliation Act, 1996 (hereinafter referred to as "Act, 1996"). Disputes seem to have arose between the parties, which has culminated in an award dated 03.11.2020 passed by the Sole Arbitrator-respondent No.1 herein produced at Annexure-A to the writ petition running into 147 pages. Aggrieved by the said award, petitioner has approached this Court



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by filing the above writ petition. The writ petition is filed on 24.02.2023.

2. Learned counsel for the petitioners submits that the reason for petitioners to approach this Court was that petitioners were unaware about the arbitration proceedings and they were under an impression that the proceedings were mere conciliation process and not the arbitration proceedings. As such, there was no proper and valid constitutional arbitration. *Secondly*, petitioners were not aware of the impugned award having been passed until they received the notice in the Execution Proceedings in Commercial Ex.No.27/2023.
3. He relies upon the judgment of the Apex Court in the case of ***Jharkhand Urja Vikas Nigam Ltd., Vs. State of Rajasthan*** in ***Civil Appeal No.2899/2021*** decided on ***15.12.2021*** to contend that the writ petition is maintainable in the matter of this nature. Hence, seeks for allowing of the petition.



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4. Learned counsel for the respondent.1-Sole Arbitrator at the outset submits that the writ petition is not maintainable, inasmuch as, petitioners having participated in the arbitration proceedings and having suffered an award without having recourse to the provisions provided under the Act, 1996 to challenge said award cannot maintain the writ petition. Hence, seeks for dismissal of writ petition.
5. Learned counsel for the respondent No.2, on the other hand, submits that the award has attained finality and the Execution Proceedings are stayed. In view of the Stay granted by this Court on 03.03.2023. He seeks for dismissal of the petition.
6. Heard and perused the records.
7. There is no dispute of the fact that the petitioners as well as respondent No.2 had indeed approached respondent No.1-Sole Arbitrator seeking resolution of the dispute. Contentions of petitioners is that they were under an impression of they having approached respondent No.1



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for conciliation and not for arbitration. Therefore, there was no constitution of a valid Arbitral Tribunal. That neither any claim statement has been filed nor any evidence has been recorded by the respondent No.1-Sole Arbitrator.

8. Even assuming, as contented by the learned counsel for the petitioners that it was a conciliation proceeding, the remedy available is to file an application under Section 34 of the Act. Admittedly, petitioner has not availed said remedy. However, learned counsel for the petitioner relying upon paragraph No.13 of the judgment of the Apex Court in the case of **Jharkhand Urja Vikas Nigam Ltd.,** (Supra) to contend that the writ petition is maintainable. Paragraph No.13 of the said judgment reads as under:

" 13. The order dated 06.08.2012 is a nullity and runs contrary not only to the provisions of MSMED Act but contrary to various mandatory provisions of Arbitration and Conciliation Act, 1996. The order dated 06.08.2012 is patently illegal. There is no arbitral award in the eye of law. It is true that under the scheme of the Arbitration and Conciliation Act, 1996 an arbitral award can only be questioned by way of application under Section 34 of the Arbitration and Conciliation Act, 1996. At the same time when an order is passed without recourse to arbitration and in utter disregard to the provisions of Arbitration and Conciliation Act, 1996, Section 34 of the said Act will not apply. We cannot reject this appeal only on the ground that appellant has not availed the



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remedy under Section 34 of the Arbitration and Conciliation Act, 1996. The submission of the learned senior counsel appearing for the 3rd respondent that there was delay and laches in filing writ petition also cannot be accepted. After 06.08.2012 order, the appellant after verification of the records has paid an amount of Rs.64,43,488/-on 22.01.2013 and the said amount was received by the 3rd respondent without any protest. Three years thereafter it made an attempt to execute the order in Execution Case No.69 of 2016 before the Civil Judge, Ranchi, which ultimately ended in dismissal for want of territorial jurisdiction, vide order dated 31.01.2017. Thereafter S.B.Civil Writ Petition No. 11657 of 2017 was filed questioning the order dated 06.08.2012 before the Rajasthan High Court. In that view of the matter it cannot be said that there was abnormal delay and laches on the part of the appellant in approaching the High Court. As much as the 3rd respondent has already received an amount of Rs.63,43,488/-paid by the appellant, without any protest and demur, it cannot be said that the appellant lost its right to question the order dated 06.08.2012. Though the learned counsel appearing for the respondents have placed reliance on certain judgments to support their case, but as the order of 06.08.2012 was passed contrary to Section 18(3) of the MSMED Act and the mandatory provisions of the Arbitration and Conciliation Act, 1996, we are of the view that such judgments would not render any assistance to support their case."

9. Necessary to note that the facts in the case of ***Jharkhand Urja Vikas Nigam Ltd.,*** (Supra) was emanating from the provisions of MSMED Act, which is not the case at hand.
10. In that view of the matter, petition is not sustainable and the same is ***dismissed.***

Sd/-
(M.G.S. KAMAL)
JUDGE