



CNR: KAHC010155582026

NC: 2026:KHC:51625
CMP No. 103 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD

CIVIL MISC. PETITION NO. 103 OF 2026

BETWEEN:

BANGALORE METROPOLITAN TRANSPORT
CORPORATION, TRANSPORT CORPORATION,
CENTRAL OFFICE, K. H. ROAD,
SHANNTHINAGAR, BANGALORE - 560 027
REPRESENTED BY, CHIEF TRAFFIC MANAGER
(COMMERCIAL)

...PETITIONER

(BY SRI. AHAHU MAHARAJ K.S. FOR SRI. B. L. SANJEEV.,
ADVOCATE)

AND:

SRI. KRISHNAPPA M.,
S/O LATE MUNIYAPPA,
MEDIMALLASANDRA,
HOSAKOTE, BENGALURU - 560 067.

...RESPONDENT

THIS CMP IS FILED U/S 11(6) OF ARBITRATION AND
CONCILIATION ACT PRAYING TO APPOINT AN ARBITRATOR TO
ADJUDICATE THE DISPUTE BETWEEN THE PETITIONER AND
THE RESPONDENT AS PROVIDED IN CLAUSE 59 OF THE
AGREEMENT DATED 02.12.2020 (VIDE ANNEXURE A) AND

Digitally Signed by NARENDRA PRASAD
HAREKOPPA THIMMANNA GOWDA





CNR: KAHC010155582026

NC: 2026:KHC:51625
CMP No. 103 of 2026

PASS SUCH OTHER ORDERS AS THIS HONBLE COURT DEEMS FIT, IN THE INTEREST OF JUSTICE AND EQUITY.

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

CORAM: HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD

ORAL ORDER

This petition is filed under Section 11(6) of Arbitration and Conciliation Act, seeking following relief:

"The petitioner most respectfully prays that this Hon'ble Court may be pleased to appoint an Arbitrator to adjudicate the dispute between the petitioner and the respondent as provided in Clause 59 of the Agreement dated 02.12.2020 (vide Annexure-A) and pass such other order/ s as this Hon'ble Court deems fit, in the interests of justice and equity."

2. Brief facts of the case are that, the petitioner has floated a tender by inviting bidders to run and maintain a refreshment room at Hoskote Bus Station, as per the tender notification dated 07.08.2020. The respondent came out to be the successful bidder, Thereafter, a contract has been entrusted to the

Digitally Signed by NARENDRA PRASAD
HAREKOPPA THIMMANNA GOWDA



CNR: KAHC010155582026

respondent and subsequently an agreement dated 02.12.2020 has been entered into between the petitioner and the respondent as per Annexure-A. The case of the petitioner is that the respondent has violated the conditions of the contract. Subsequently, disputes arose between the parties in relation to the said Agreement.

3. The Agreement contains an arbitration clause, namely, Clause 59, which reads as under:

"59. *Dispute Resolution and Arbitration Clause:*

a. In case of any dispute arising between the Licensor and the Licensee in respect of the interpretation or performance of any terms and conditions, the same shall be referred to the Managing Director, BMTC of the Corporation for resolution. MD BMTC, whose decision thereon shall be the sole arbitration and Conciliation Act 1996.

b. The subject matter of this agreement and any litigation thereof is limited to the jurisdictional courts of Bengaluru."

4. As the Agreement provides for resolution of disputes by way of arbitration, the petitioner issued a notice dated 27.02.2025, vide Annexure-C, to the respondent under Section 21 of the Act, invoking the



arbitration clause. Despite service of the said notice, the respondent did not furnish any response. Hence, the petitioner has filed the present petition.

5. Notice issued by this Court has been duly served upon the respondent. Despite service of notice, none appears on behalf of the respondent.

6. In view of the above, and having regard to the existence of the arbitration clause contained in the Agreement, this Court is of the opinion that a Sole Arbitrator is required to be appointed for adjudication of the disputes between the parties. Accordingly, the following:

ORDER

- a) Civil Miscellaneous Petition is ***allowed***.
- b) Sri.Narendra Kumar Gunaki, retired District Judge, is appointed as the Sole Arbitrator in the present case to arbitrate the disputes between the parties at the Arbitration and Conciliation Centre (Domestic & International), Bengaluru,



CNR: KAHC010155582026

as per the Rules governing the said Arbitration Centre.

- c) All the claims and contentions of the parties are kept open.
- d) Registry is directed to communicate this order via E-mail to the Arbitration and Conciliation Centre (Domestic & International), Khanija Bhavan, Bengaluru, and also to the learned Sole Arbitrator.
- e) Registry is directed to return all the original documents produced by any of the parties after obtaining Photostat copies of the same.
- f) Parties are directed to appear before the Director, Arbitration and Conciliation Centre, Bengaluru, on 16.10.2026 at 11:30 a.m.

Digitally Signed by NARENDRA PRASAD
HAREKOPPA THIMMANNA GOWDA

**(H.T. NARENDRA PRASAD)
JUDGE**

TIN
List No.: 1 Sl No.: 3