



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

WRIT PETITION NO. 7998 OF 2026 (GM-RES)

BETWEEN:

SRI M NARAYANA RAJU
S/O. LATE SRIKRISHNAM RAJU,
AGED ABOUT 78 YEARS,
RESIDING AT NO. 126,
1ST CROSS, 5TH MAIN,
GEDDALAHALLI,
BENGALURU-560 094.

...PETITIONER

(BY SRI. BAPAT SAMPATH VINAYAKA RAO., ADVOCATE)

AND:

1. UNION OF INDIA
REPRESENTED BY THE GENERAL MANAGER,
SOUTH WESTERN RAILWAY,
RAIL SADAN, GADAG ROAD,
HUBLI-580 020
2. THE DIVISIONAL RAILWAY MANAGER,
SOUTH WESTERN RAILWAY,
WORKS BRANCH,
BENGALURU-560 023.
3. THE SENIOR DIVISIONAL ENGINEER (CO-ORD),
SOUTH WESTERN RAILWAY WORKS BRANCH,
BENGALURU-560 023.



4. THE DIVISIONAL ENGINEER (NORTH),
SOUTH WESTERN RAILWAY WORKS BRANCH,
BENGALURU-560 023.

...RESPONDENTS

(BY SRI. SWAMINI GANESH MOHANAMBAL., CGSC)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO A) ISSUE ANY APPROPRIATE ORDER OR DIRECTION MORE PARTICULARLY A WRIT OF CERTIORARI QUASHING THE ORDER DATED 4.3.2026 PASSED BY THE LD. SOLE ARBITRATOR IN A.C.557/2023 REJECTING THE APPLICATION FOR AMENDMENT VIDE ANNEXURE-J AND ALLOW THE APPLICATION FOR AMENDMENT VIDE ANNEXURE-G AND B) PASS SUCH OTHER AND FURTHER ORDERS AS THIS HON'BLE COURT DEEMS FIT AND PROPER IN THE FACTS AND CIRCUMSTANCES OF THE CASE, IN THE INTEREST OF JUSTICE.

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

CORAM: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

ORAL ORDER

The captioned writ petition is filed calling in question the legality and correctness of the order dated 04.03.2026 passed by the learned Sole Arbitrator in A.C. No.557/2023, whereby the application filed by the petitioner under Section 23(3) of the Arbitration and



Conciliation Act, 1996 (for short the Act, 1996) seeking amendment of the statement of claim came to be rejected.

2. The facts leading to the case are as under:

The petitioner claims to be a successful tenderer, pursuant to which an agreement dated 13.08.2018 was entered into with the respondent–Railways, governed by Clause 64 of the General Conditions of Contract (GCC). The work entrusted pertained to maintenance of staff quarters involving multiple individual works.

3. It is the petitioner's case that a penalty to the extent of 10% of the bill value was imposed alleging delay, and certain work orders were cancelled without payment. Aggrieved, the petitioner invoked arbitration clause by issuing notice dated 12.08.2020.

4. Upon proceedings under Section 11 of the Act, 1996 a learned Sole Arbitrator came to be appointed in February 2024. The petitioner filed statement of claim on



20.03.2024, and the respondent filed statement of objections on 14.10.2024 along with supporting documents.

5. The matter thereafter progressed to an advanced stage and was posted for arguments. At that juncture, the petitioner filed an application seeking amendment of Claim No.4, contending that the penalty amount originally claimed at ₹6,50,000/- was lesser than the actual amount recovered, i.e., ₹11,99,807/-.

6. The said application came to be rejected by the learned Arbitrator on the ground of inordinate delay, absence of due diligence, and the advanced stage of proceedings.

7. Heard learned counsel for petitioner and learned CGSC for respondent.

8. The short point that arises for consideration is:



"Whether the present writ petition challenging an interlocutory order passed by the Arbitral Tribunal is maintainable?"

9. The preliminary objection as to maintainability strikes at the very root of the matter and therefore requires to be considered at the threshold. It is now well-settled that the jurisdiction of this Court under Articles 226 and 227 of the Constitution of India, in matters arising out of arbitral proceedings, is extremely limited, particularly when the challenge is directed against interlocutory orders passed during the pendency of arbitration.

10. The Hon'ble Apex Court in ***SBP & Co. v. Patel Engineering Ltd¹*** has, in categorical terms, held that once the arbitral tribunal is constituted and enters upon reference, the High Court ought not to interdict the arbitral process at intermediate stages. The Apex Court has underscored that the scheme of the Act, 1996 mandates minimal judicial interference, so as to preserve the

¹ AIR 2006 SC 450



autonomy, efficacy, and expeditious nature of arbitral proceedings.

11. It is trite that interlocutory orders passed by an Arbitral Tribunal, particularly those relating to procedural aspects such as amendment of pleadings, are matters falling squarely within the domain of the Tribunal. Such orders do not ordinarily give rise to a cause of action for invoking writ jurisdiction.

12. The law carves out only a very narrow exception to this rule, permitting interference where the order impugned discloses a patent lack of jurisdiction, gross perversity, or a manifest violation of principles of natural justice. Absence of such exceptional circumstances, the parties are required to await culmination of proceedings and avail remedies under Sections 34 or 37 of the Act 1996.

13. Tested on the touchstone of the aforesaid principles, this Court finds that the impugned order is one



passed on an application seeking amendment of pleadings. The learned Arbitrator has exercised jurisdiction vested in him and has assigned reasons touching upon delay, absence of due diligence, and the advanced stage of proceedings.

14. This Court does not find any jurisdictional error, patent illegality, or procedural impropriety of such magnitude as would warrant invocation of extraordinary jurisdiction. The grievance of the petitioner, in essence, is directed against the correctness of the reasoning assigned by the learned Arbitrator, which cannot be gone into in exercise of writ jurisdiction.

15. Entertaining such petitions against interlocutory orders would amount to permitting piecemeal challenges, thereby frustrating the very object of the arbitral mechanism and derailing the timelines contemplated under the statute.



16. Therefore, this Court is of the considered view that the present case does not fall within the narrow and exceptional contours warranting interference. The writ petition, insofar as it challenges an interlocutory order passed during the pendency of arbitral proceedings, is not maintainable. Accordingly, the point formulated above is answered in the '**Negative**'

17. In view of the law laid down by the Hon'ble Apex Court in **SBP & Co. v. Patel Engineering Ltd.** (*supra*) and applying the same to the facts of the present case, this Court holds that the writ petition is devoid of maintainability.

18. For the foregoing reasons, this Court proceeds to pass the following:

ORDER

- (i) The writ petition stands dismissed as not maintainable;



(ii) Liberty is reserved to the petitioner to avail appropriate remedy, if so advised, in accordance with law;

(iii) All pending interlocutory applications, if any, stand disposed of.

**Sd/-
(SACHIN SHANKAR MAGADUM)
JUDGE**

ALB
List No.: 1 Sl No.: 54