



CNR: KAHC010194892025

NC: 2026:KHC:50647
CMP No. 180 of 2025

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF SEPTEMBER, 2026

BEFORE

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

CIVIL MISC. PETITION NO. 180 OF 2025

BETWEEN:

SRI K V PAPANNA
S/O LATE VEERANNA
AGED ABOUT 63 YEARS
R/AT KODIGEHALLI VILLAGE
KASABA HOBLI, DODDABALLAPURA TALUK
BANGALORE RURAL DISTRICT-561203

...PETITIONER

(BY SRI. HARISH KUMAR M S., ADVOCATE)

AND:

1. M/S NIRMAN DEVELOPERS
HAVING ITS OFFICE, NO.973
45TH CROSS, NEAR ESI HOSPITAL
RAJAJINAGAR, BENGALURU-560010
REPRESENTED BY ITS PARTNERS.

SRI B.UDAY KUMAR HEGDE
S/O G.KUSHAL HEGDE
AGED ABOUT 62 YEARS

2. SRI B. KISHORE KUMAR HEGDE
S/O G.KUSHAL HEGDE
AGED ABOUT 56 YEARS

3. SRI S.N.GUNDAPPA GOWDA
S/O NINGE GOWDA
AGED ABOUT 53 YEARS



Digitally Signed by NARENDRA PRASAD
HAREKOPPA THIMMANNA GOWDA



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4. SRI H.A. SHASHIKANTH
S/O H.ANJANAPPA
AGED ABOUT 47 YEARS.

...RESPONDENTS

(SERVICE OF NOTICE TO R1 TO R4 ARE HELD
SUFFICIENT V/O DATED: 10.09.2026)

THIS CIVIL MISC. PETITION IS FILED UNDER SECTION 11 (5) AND (6) OF ARBITRATION AND CONCILIATION ACT 1996, PRAYING TO APPOINT A SUITABLE ARBITRATOR TO RESOLVE THE DISPUTE BETWEEN THE PARTIES I.E., OF ARBITRATION CLAUSE NO.21 THE PETITIONER AND RESPONDENTS IN TERMS OF THE JOINT DEVELOPMENT AGREEMENT DATED 21.09.2010 VIDE ANNEXURE A.

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

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

ORAL ORDER

1. This petition is filed under Section 11(5) and 11(6) of the Arbitration and Conciliation Act, 1996 (for short, "the Act"), seeking appointment of a Sole Arbitrator for adjudication of the disputes that have arisen between the petitioner and the respondents under the Joint Development Agreement dated 21.09.2010, particularly in terms of Clause 21 thereof, produced at Annexure-A.



2. The brief facts of the case are that the petitioner is the owner of the land bearing Sy.No.52 measuring to an extent of 10 acres with 14 Guntas of Kharab land situated at Kempapur Village, Hesaraghatta Hobli, Bengaluru North Taluk, Bengaluru District, and had entered into a registered Joint Development Agreement dated 21.09.2010 with the respondents for the development of said land into a residential layout. At the time of entering into the agreement, the land was notified for acquisition by the BDA. Under the Joint Development Agreement, the respondents had undertaken to take steps towards deleting the said land from the acquisition proceedings of BDA and to develop the same at their cost, for which the petitioner had agreed to give them 50% share in the developed land. However, the respondents failed to get the land deleted from the acquisition proceedings despite repeated requests by the petitioner. Subsequently, disputes arose between the parties in relation to the said Joint Development Agreement.



3. The Joint Development Agreement contains an arbitration clause, namely, Clause 21, which reads as under:

"21. ARBITRATION:-

In case any dispute or difference should arise between the parties hereto, in respect of any other matter arising out of or in connection with agreement it shall be referred to the arbitration under the Arbitration and conciliation Act 1996 or any statutory modification thereof."

4. As the Joint Development Agreement provides for resolution of disputes by way of arbitration, the petitioner issued a notice dated 09.01.2025, vide Annexure-H, to the respondents under Section 21 of the Act, invoking the arbitration clause. Despite service of the said notice, the respondents 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 respondents. Hence, the service of notice was held sufficient.

6. In view of the above, and having regard to the existence of the arbitration clause contained in the Joint Development 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) Hon'ble Sri Justice A.V.Chandrashekar, Former Judge of High Court of Karnataka, 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, as per the Rules governing the said Arbitration Centre.
- c) All the claims and contentions of the parties are kept open.



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- 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 Hon'ble Sri Justice A.V.Chandrashekar, Former Judge of High Court of Karnataka.
- 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 **12.10.2026** at 11:30 a.m.

Digitally Signed by NARENDRA PRASAD
HAREKOPPA THIMMANNA GOWDA

(H.T. NARENDRA PRASAD)
JUDGE

HA
LIST NO.: 1 SL NO.: 7