



CNR: KAHC010227042026

NC: 2026:KHC:52880
CMP No. 145 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF SEPTEMBER, 2026

BEFORE

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

CIVIL MISC. PETITION NO. 145 OF 2026

BETWEEN:

1. M/S NAVA KARNATAKA HOUSING
REPRESENTING BY PAVAN KUMAR AP
OFFICE AT NO.8, 2ND FLOOR,
SRJ COMPLEX, ARKAVATHI LAYOUT,
7TH BLOCK, JAKKUR MAIN ROAD,
BENGALURU 560064

...PETITIONER

(BY SRI. NITHIN GOWDA J. R.,ADVOCATE)

AND:

1. MR. HEMANTH KUMAR H. V.
AGED ABOUT 46 YEARS,
S/O LATE H. VENKATA REDDY,
RESIDING AT NO.A-109, MAHALAKSHMI
APARTMENTS, C BLOCK,
SAHAKARNAGAR, BENGALURU NORTH,
BENGALURU 560092.

...RESPONDENT

(RESPONDENT SERVED UNREPRESENTED)

CMP FILED UNDER SEC.11(6) OF THE ARBITRATION AND CONCILIATION ACT, 1996., PRAYING TO APPOINT AN ARBITRATOR TO ADJUDICATE THE DISPUTE BETWEEN THE PARTIES AND ALLOW THE SAID ARBITRATOR TO ENTER UPON THE REFERENCE AND ADJUDICATE THE DISPUTE AND DIFFERENCES BETWEEN THE PARTIES ARISING OUT OF THE

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HAREKOPPA THIMMANNA GOWDA





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MEMORANDUM OF UNDERSTANDING DATED 21.01.2024 VIDE ANNEXURE -A, IN THE ARBITRATION CLAUSE - XVI.

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(6) of Arbitration and Conciliation Act,1996, (for short 'the Act') seeking the following relief:-

*"a). Appoint an Arbitrator to adjudicate the dispute between the parties and allow the said arbitrator to enter upon the reference and adjudicate the dispute and differences between the parties arising out of the **Memorandum of Understanding dated 21-01-2024** vide **Annexure-A** in Arbitration Clause XVI.*

b) Pass such an order as this Hon'ble Court deems fit and proper under the facts and circumstances of the case in the interest of justice and equity."

2. The brief facts of the case are that, the petitioner is a Trust registered under the provisions of the Indian Trust Act, 1882, engaged in procuring land and facilitating formation of residential sites. The respondent represented to the Petitioner that he had secured lands from the land

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owners and proposed to procure and facilitate registration of the said lands in favour of the petitioner. For the said purpose, the parties have entered into Memorandum of Understanding (for short 'MOU') dated 21.01.2024. Accordingly, the petitioner had paid total sum of Rs. 74,00,000/- to the respondent. The respondent has not procured land from the land owners as agreed under the said MOU. Hence, dispute arose between the parties.

3. As per that MOU, the dispute has to be resolved between the parties through arbitration. There is an arbitration clause at Clause-XVI of that MOU. The petitioner by invoking arbitration clause has issued an arbitration notice on 23.02.2026 at Annexure-B to the respondent under Section 21 of the Act. The said arbitration Clause 'XVI' reads as under:

"XVI-Arbitration:

In the event of any disputes or difference arising between the parties in regard to this Agreement or any matter connected therewith, the same shall be referred to Arbitrator appointed by second party as sole arbitrator



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and settled under the provisions of the Arbitration and Conciliation Act, 1996."

4. Despite service of notice to the respondent, he has not sent any response. Hence, the petitioner has approached this court seeking for appointment for the sole arbitrator.

5. Notice issued by this Court has been duly served upon the respondent. However, there is no representation on behalf of the respondent.

6. In view of the above, having regard to the existence of the arbitration clause in the said MOU and the disputes arising between the parties in relation thereto, and as the arbitration clause has been duly invoked by the petitioner by issuing notice under Section 21 of the Act, this Court is of the opinion that a sole Arbitrator is required to be appointed for adjudication of the disputes between the parties.



7. Accordingly, the following:

ORDER

- a) Civil Miscellaneous Petition is **allowed**.
- b) Ms. Vanamala Yadav A., 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, as per the Rules governing the said Arbitration Centre.
- c) All the claims and contentions of the parties are left 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 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.



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Parties are directed to appear before the Director,
Arbitration and Conciliation Centre, Bengaluru, on
23.10.2026 at 11:30 a.m.

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(H.T. NARENDRA PRASAD)
JUDGE

HR
List No.: 1 Sl No.: 27