



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 24TH DAY OF APRIL, 2026

PRESENT

THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE

AND

THE HON'BLE MR. JUSTICE C.M. POONACHA

REVIEW PETITION NO. 166 OF 2026

IN COMMERCIAL APPEAL No. 63 OF 2025

BETWEEN:

1. M/S R.K. INFRA AND ENGINEERING (INDIA) PVT LTD
HAVING ITS REGISTERED OFFICE AT:
1-2-39/10 & 11, 5TH FLOOR
R.K. ASOKA, NIZAMPET ROAD
HYDERNAGAR, KUKATPALLY
HYDERABAD - 500 085
REP. BY ITS MANAGING DIRECTOR
MR. BITRAGUNTA RAVIKALYAN REDDY

...PETITIONER

(BY SRI GANESH NAG B.V., ADVOCATE FOR
SRI SRIKANTHA RAO VEMUGANTI, ADVOCATE)

AND:

1. M/S THE SANDUR MANGANESE AND IRON ORE LTD.,
A COMPANY INCORPORATED UNDER
THE INDIAN COMPANIES ACT, 1956
HAVING ITS REGISTERED OFFICE AT NO. 9
SANDUR HOUSE, BELLARY ROAD
SADASHIVANAGAR
BENGALURU - 560 080

...RESPONDENT

THIS REVIEW PETITION IS FILED UNDER ORDER 47 RULE 1
R/W SEC. 114 OF CODE OF CIVIL PROCEDURE READ WITH

Digitally
signed by
AMBIKA H B

Location:
High Court
of Karnataka



ARTICLE 226 OF THE CONSTITUTION OF INDIA PRAYING TO REVIEW THE JUDGMENT TO THE LIMITED EXTENT OF RECONSIDERING THE FINDING THAT THE ARBITRAL PROCEEDINGS CONTINUED FROM 01.07.2013 AND CONSEQUENTLY RE-EXAMINE LIMITATION IN THE LIGHT OF THE DISMISSAL OF ICA PROCEEDINGS ON 05.08.2014 & ETC.

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

CORAM: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE
and
HON'BLE MR. JUSTICE C.M. POONACHA

ORAL ORDER

(PER: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE)

1. The review petitioner has filed the present review petition seeking review of the order dated 25.02.2026 passed by this court in Commercial Appeal No.63/2025. The said appeal — which was filed under Section 37(1)(c) of the Arbitration and Conciliation Act, 1996 [**A&C Act**] was dismissed.

2. The only question raised by the review petitioner/appellant was regarding limitation. The review petitioner had claimed that an award rendered pursuant to the arbitral proceedings which were in relation to the dispute that had arisen between the parties relating to an agreement dated 20.12.2010, was liable to be set aside on the ground that the arbitral tribunal was constituted pursuant to an



order passed under Section 11 of the A&C Act which was beyond the period of limitation. This court had found no merit in the said contention. This court had also found that the agreement in question was terminated on 07.06.2012 and the period of limitation would commence from the said day. The arbitral proceedings had been invoked by a request for arbitration lodged with the Indian Council of Arbitration [**ICA**] on 01.07.2013.

3. The learned counsel appearing for the review petitioner submits that the delay in filing an application under Section 11 of the A&C Act, which was filed on 13.02.2015, cannot be excluded by virtue of Section 14 of the Limitation Act, 1963 [**Limitation Act**]. This contention is bereft of any merit. There is no ground to exclude any period under Section 14 of the Limitation Act. The arbitral proceedings had commenced on 01.07.2013, which was within the period of limitation from the cause of action and an application under Section 11 of the A&C Act was filed on 13.02.2015, which was within the period of three years as stipulated under Article 137 of the Schedule to the Limitation Act.



4. The second contention advanced by the learned counsel is that Section 21 of the A&C Act would not be applicable after the termination of the arbitral proceedings.

5. We had noted that the review petitioner had contested that the Rules of Arbitration of the Indian Council of Arbitration [**ICA Rules**] were applicable and, therefore, respondent No.1 had not continued the arbitral proceedings under the ICA Rules and had approached the court under Section 11 of the A&C Act. It is material to note that the review petitioner had expressly stated that it had agreed to refer to arbitration but not to the conduct of arbitration under the ICA Rules. However, this court found that the arbitration clause had expressly provided that the arbitration would be conducted through ICA Rules and that ICA Rules would be applicable.

6. However, to obviate any further objection, the respondent had filed an application under Section 11 of the A&C Act and the court had allowed the same. The said decision had become final.

7. We find that the present review petition is without any merit and is, accordingly, dismissed with costs quantified at ₹25,000/-.



The costs shall be paid to the Karnataka State Legal Services Authority within a period of two weeks from date.

**Sd/-
(VIBHU BAKHRU)
CHIEF JUSTICE**

**Sd/-
(C.M. POONACHA)
JUDGE**

AHB
List No.: 1 Sl No.: 2