



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 7TH DAY OF JULY, 2026

BEFORE

THE HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

WRIT PETITION NO. 15373 OF 2026 (GM-CPC)

BETWEEN:

M/S BITARA PVT LTD
(REPRESENTED BY ITS BUSINESS HEAD
MR. NAGENDRA REDDY)
RO NO.389,
BUILIDNG BITARA PVT. LTD.
M B ROAD,
SRIRANGAPATNA,
BLOCK: KAVERI LAYOUT,
SRIRANGAPATNA, MANDYA,
KARNATAKA - 571 458
EMAILNAGENDRA@BITARA.IN
REGISTERED UNDER COMPAIES ACT, 2013

...PETITIONER

(BY SRI. RAVISHANKAR G.S., ADVOCATE)

AND:

M/S DILIP BUILDCON PVT LTD
R/A NO. 5, INSIDE GOVIND NARAYAN SINGH GATE,
CHUNA BHATTI, KOLAR ROAD
BHOPAL, MADHYA PRADESH
BHOPAL - 462 016

...RESPONDENT

(BY SRI. ROHAN KOTHARI, ADVOCATE)

THIS W.P. IS FILED UNDER ARTICLES 226 AND 227 OF
THE CONSTITUTION OF INDIA PRAYING TO ISSUE IN THE
NATURE OF CERTIORARI AN ORDER QUASHING THE
IMPUGNED ORDER DATED 16/APRIL/2026 PASSED BY THE



HONBLE SOLE ARBITRATOR IN A.C. NO. 587/2024 (ANNEXURE-A), ONLY IN SO FAR AS IT RELATES TO THE REJECTION OF IA NO. IV, THEREBY ENSURING THAT THE PETITIONERS RIGHT TO A FULL AND EQUAL OPPORTUNITY TO PRESENT ITS CASE IS RESTORED AND THAT NO PLEA OF ACQUIESCENCE OR FINALITY IS HELD AGAINST THE PETITIONER IN FUTURE PROCEEDINGS.

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

CORAM: HON'BLE SMT. JUSTICE LALITHA KANNEGANTI

ORAL ORDER

The present writ petition is filed seeking the following prayers:

"a. ISSUE in the nature of certiorari an Order quashing the Impugned Order dated A 16/April/2026 passed by the Hon'ble Sole Arbitrator in A.C. No. 587/2024 (Annexure-A), only in so far as it relates to the rejection of IA No. IV, thereby ensuring that the Petitioner's right to a full and equal opportunity to present its case is restored and that no plea of acquiescence or finality is held against the Petitioner in future proceedings;

b. CONSEQUENTLY, allow IA No. IV as filed by the Petitioner, thereby permitting the recall of RW1 for further cross-examination on material contradictions and additional documents; and



c. PASS such other orders as this Hon'ble Court deems fit and proper in the interest of justice and equity."

2. A Co-ordinate Bench of this Court, by order dated 14.05.2026, passed the following order:

"Heard.

The question of maintainability is kept open.

Issue emergent notice to the respondent returnable by 04.06.2026.

In addition thereto, petitioner is also permitted to serve the learned counsel appearing for the respondent before the Arbitral Tribunal.

In the meanwhile, all further proceedings in A.C.No.587/2024 pending before the Arbitral Tribunal are hereby stayed, till the next date of hearing.

Liberty is reserved in favour of respondents to seek vacation / modification of this order."

3. Learned counsel appearing for the respondent submits that the present writ petition filed under Articles 226 and 227 of the Constitution of India challenging an interlocutory order, is not maintainable.



4. Learned counsel for the petitioner submits that the order has been passed under Section 17 of the Arbitration Conciliation Act and that the writ petition is maintainable. In response to that, learned counsel for the respondents submits that the writ petition is not maintainable. The appropriate remedy is an appeal under the Act before the Division Bench and therefore, the present writ petition is not maintainable

5. Learned counsel appearing for the petitioner does not dispute the submission made by the learned counsel for the respondent that any order that is passed under Section 17 of the Arbitration and Conciliation Act, the remedy would not lie before a learned Single Judge under Article 227 of the Constitution of India and the petition could not have been numbered as a GMCP.

6. In that view of the matter, this Court is passing the following:

ORDER

- i. Accordingly, the writ petition is ***disposed of***, giving liberty to the petitioner to avail the appropriate remedy in accordance with law.



- ii. It is made clear that this Court has not expressed anything on the merits of the matter.
- iii. All the contentions of the parties are left open.
- iv. Pending IAs, if any, shall stand closed.

SD/-
(LALITHA KANNEGANTI)
JUDGE

SMC
List No.: 1 SI No.: 153