



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF JUNE, 2026

PRESENT

THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE

AND

THE HON'BLE MRS. JUSTICE K.S. HEMALEKHA

COMMERCIAL APPEAL NO.415 OF 2025

BETWEEN:

DEVANCHAL ENTERPRISES
A PARTNERSHIP FIRM
REPRESENTED BY: BALAKRISHNA
RASTOGI, PARTNER
REGISTERED ADDRESS: ARYA NAGAR,
NEAR NEGA GAS, KASHIPUR DISTRICT,
UDHAM SINGH NAGAR,
UTTARAKHAND - 244713.

...APPELLANT

(BY SRI. SHRAYANSH SINGH, ADVOCATE)

AND:

I BRANDS BEVERAGES PRIVATE LIMITED
REPRESENTED BY: MOHINDER
SINGH KHAIRA, DIRECTOR
OFFICE ADDRESS: NO.750,
1ST FLOOR, 22ND CROSS,
15TH MAIN, JUDICIAL LAYOUT,
GKVK POST, YELAHANKA,
BENGALURU - 560065.

...RESPONDENT

(BY SRI. ANIRUDH SURESH, ADVOCATE)

THIS COMAP IS FILED UNDER SECTION 13(1A) OF THE
COMMERCIAL COURTS ACT, 2015 PRAYING TO SET ASIDE THE
IMPUGNED ORDER DATED 18.06.2025 PASSED BY THE LD. LXXXVI



ADDITIONAL CITY CIVIL AND SESSIONS JUDGE, BENGALURU IN
COM. A.P.NO.88/2025 (ANNEXURE - A-1).

THIS APPEAL, COMING ON FOR ORDERS, THIS DAY,
JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE
and
HON'BLE MRS. JUSTICE K.S. HEMALEKHA

ORAL JUDGMENT

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

1. The appellant has filed the present appeal against an Order dated 18.06.2025 [**impugned order**], passed in Com.A.P.No.88/2025, by the LXXXVI Additional City Civil and Sessions Judge, Commercial Court, Bengaluru [**Commercial Court**] under Section 36(2) of the Arbitration and Conciliation Act, 1996 [**A&C Act**].

2. In terms of the arbitral award, the Arbitral Tribunal directed payment of ₹74,48,750/- along with interest at the rate of 6% per annum from 01.04.2017, till the date of the award and at the rate of 9% per annum until realization.



3. The respondent challenged the arbitral award on several grounds including that the arbitral proceedings were without jurisdiction.

4. In terms of impugned order, learned Commercial Court had considered it apposite to stay the impugned award.

5. It is the appellant's case that the application under Section 34 of the A&C Act for setting aside the award was filed beyond the period stipulated under Section 34(3) of the A&C Act.

6. The question of limitation was framed as a preliminary issue by order dated 11.06.2026 in Com.A.P.No.88/2025 and has been decided in favour of the respondent. *Prima facie*, the present appeal does not appear to be maintainable, as an order passed under Section 36(2) of the A&C Act is not an appealable order under Section 37 of the A&C Act. However, even without going into the said question, we find no grounds to interfere with the impugned order, particularly since the appellant's objection regarding limitation has been rejected by the learned Commercial Court.



7. The appeal is accordingly dismissed. However, this will not preclude the appellant from availing its remedies available in law against the order passed under Section 36(2) of the A&C Act.

Sd/-
(VIBHU BAKHRU)
CHIEF JUSTICE

Sd/-
(K.S. HEMALEKHA)
JUDGE

AT
List No.: 1 Sl No.: 25