



CNR: KAHC010499332026

NC: 2026:KHC:39501-DB
WA No. 1794 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF JULY, 2026

PRESENT

THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE

AND

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

WRIT APPEAL NO.1794 OF 2026 (GM-RES)

BETWEEN:

TEJASCO TECHSOFT PVT. LTD.,
REPRESENTED BY ITS DIRECTOR
MR. N.S. PRASHANTH
AGED ABOUT 57 YEARS,
R/AT NO.240, 2ND FLOOR,
32ND CROSS, 7TH BLOCK,
JAYANAGAR, BANGALORE-560082.

...APPELLANT

(BY SRI. SUNIL KUMAR H., ADVOCATE)

AND:

1. THE PRINCIPAL SECRETARY,
DEPARTMENT OF HEALTH AND FAMILY WELFARE,
GOVERNMENT OF KARNATAKA,
VIKASA SOUDHA,
BANGALORE-560001.
2. THE COMMISSIONER,
DEPARTMENT OF HEALTH AND FAMILY WELFARE,
AROGYA SOUDHA, MAGADI ROAD,
BANGALORE-560023.

...RESPONDENTS

(BY SMT. NAMITHA MAHESH B.G., ADDITIONAL GOVERNMENT
ADVOCATE)



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THIS WRIT APPEAL IS FILED UNDER SECTION 4 OF THE KARNATAKA HIGH COURT ACT PRAYING TO SET ASIDE THE ORDER PASSED BY THE LEARNED SINGLE JUDGE IN W.P.NO.18183/2024 DATED 16.06.2026; CONSEQUENTLY SET ASIDE THE ORDER PASSED BY COURT OF LXXXVII ADDITIONAL CITY CIVIL AND SESSIONS JUDGE COMMERCIAL COURT AT BANGALORE (CCH-88) IN COM.A.P.NO.30/2023 DATED 19.04.2024 IN PASSED IN I.A.NO.2/2023 VIDE ANNEXURE-A.

THIS APPEAL, COMING ON FOR PRELIMINARY HEARING, 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 impugning the order dated 16.06.2026 [**Impugned Order**] passed by the learned Single Judge in W.P.No.18183/2024 [GM-RES]. The appellant had filed the said writ petition impugning an order dated 19.04.2024 passed by the LXXXVII Additional City Civil and Sessions Judge, Bengaluru [**Commercial Court**] in I.A.No.2/2023 in Com.A.P.No.30/2023.

2. The respondents had filed Com.A.P.No.30/2023 under Section 34 of the Arbitration and Conciliation Act, 1996 [**A&C Act**] impugning an award dated 26.08.2022 [**Impugned Award**] passed



by the learned Sole Arbitrator [**Arbitral Tribunal**] in A.C.No.130/2022. The appellant is contesting the said petition. One of the grounds on which the appellant seeks to contest it is that it is barred by limitation. According to the appellant, the said petition was filed on 21.02.2023, which was beyond the period of three months as stipulated under Section 34 (3) of the A&C Act. Further, it was also beyond the additional period of thirty days that could be condoned by the Court on sufficient cause being established.

3. However, according to the respondents, the petition was within the period of limitation, as the Impugned Award was received on 03.11.2022.

4. In the aforesaid context, the respondents had filed an application [I.A.No.2/2023] in Com.A.P.No.30/2023, which came to be allowed by the learned Commercial Court by accepting the contentions advanced by the respondents.

5. Aggrieved by the same, the appellant filed the writ petition [W.P.No.18183/2024] impugning the order dated 19.04.2024 passed in I.A.No.2/2023 in Com.A.P.No.30/2023. The said order allowing an application for condonation of delay was not an order appealable under Section 37 of the A&C Act. It is also not the case



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that the learned Commercial Court had declined to exercise its jurisdiction or had committed any jurisdictional error. The decision to allow the respondents' application is well within its jurisdiction.

6. In the aforesaid circumstances, we find there were no grounds for the learned Single Judge to entertain the said petition. The petition ought to have been dismissed at the threshold. However, the learned Single Judge proceeded to re-adjudicate the issue on merits. It is well settled that the period of limitation for filing a petition under Section 34 of the A&C Act commences from the date of receipt of the arbitral award. In this regard, the Hon'ble Supreme Court in **Union of India V. Tecco Trichy Engineers and Contractors**¹ has observed as under:

"8. The delivery of an arbitral award under sub-section (5) of Section 31 is not a matter of mere formality. It is a matter of substance. It is only after the stage under Section 31 has passed that the stage of termination of arbitral proceedings within the meaning of Section 32 of the Act arises. The delivery of arbitral award to the party, to be effective, has to be "received" by the party. This delivery by the Arbitral Tribunal and receipt by the party of the award sets in motion several periods of limitation such as an application for correction and interpretation of an award within 30 days under Section 33(1), an application for making an additional award under Section 33(4) and an application for setting

¹ (2005) 4 SCC 239



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aside an award under Section 34(3) and so on. As this delivery of the copy of award has the effect of conferring certain rights on the party as also bringing to an end the right to exercise those rights on expiry of the prescribed period of limitation which would be calculated from that date, the delivery of the copy of award by the Tribunal and the receipt thereof by each party constitutes an important stage in the arbitral proceedings."

7. In the present case, the award was made and signed by the Arbitral Tribunal at the hearing held on 26.08.2022. However, the respondents neither appeared on the appointed date, nor collected the Impugned Award from the Arbitral Tribunal. Although an intimation was sent by the Arbitration Centre by Email on 26.08.2022, the said communication did not enclose the Impugned Award. The Impugned Award was thereafter received by the respondents on 03.11.2022. Thus, the period of limitation for filing the petition under Section 34 of the A&C Act commenced from 03.11.2022. The petition was filed on 21.02.2023, which was beyond the initial period of three months but within the further period of thirty days stipulated under the proviso to Section 34(3) of the A&C Act. Therefore, the Court could condone the delay.



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8. Insofar as the merits are concerned, we find no infirmity with the decision of the learned Single Judge. The appeal is, accordingly dismissed.

9. Pending application also stands disposed of.

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

**Sd/-
(K.S. HEMALEKHA)
JUDGE**

AT
List No.: 2 SI No.: 22