



CNR: KAHC010526442026

NC: 2026:KHC:55571
CMP No. 422 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF OCTOBER, 2026

BEFORE

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

CIVIL MISC. PETITION NO. 422 OF 2026

BETWEEN:

M/S GOVINDARAJA MUDALIAR
SONS PRIVATE LIMITED
A COMPANY INCORPORATED UNDER
THE PROVISIONS OF THE COMPANIES ACT, 2013
REP. HEREIN BY ITS AUTHORISED SIGNATORY
GANAPATHY KRISHNAMOORTHY
HAVING ITS REGISTERED OFFICE AT
NO. 46 (OLD NO. 41), SIDCO INDUSTRIAL ESTATE
AMBATTUR, CHENNAI, TAMIL NADU – 600096

...PETITIONER

(BY SMT. MEENAKSHI.A.N. & SRI. MOHAMMED FAIZAL,
ADVOCATES FOR SMT. SHRAVANI SHARMA., ADVOCATE)

AND:

M/S L AND W CONSTRUCTION PRIVATE LIMITED
A COMPANY INCORPORATED UNDER
THE PROVISIONS OF THE COMPANIES ACT, 2013
HAVING ITS REGISTERED OFFICE AT NO. 801
8TH FLOOR, PRIDE HULKUL
NO.116, LALBAGH ROAD
BENGALURU, KARNATAKA – 560027.

...RESPONDENT

(RESPONDENT SERVED)

THIS CMP IS FILED UNDER SECTION 11(6) OF
ARBITRATION AND CONCILIATION ACT 1996, PRAYING TO
APPOINT A SOLE ARBITRATOR TO ADJUDICATE THE DISPUTES
BETWEEN THE PETITIONER AND THE RESPONDENT IN TERMS
OF LOA DATED: 29.04.2023 AT ANNEXURE -A1, AS PER
CLAUSE 5.27 AND TO DIRECT THE RESPONDENT TO PAY
COSTS OF THE PETITION TO THE PETITIONER.

Digitally Signed by NARENDRA PRASAD
HAREKOPPA THIMMANNA GOWDA





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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 the Arbitration and Conciliation Act, 1996 (for short, "the Act"), seeking appointment of a sole Arbitrator for adjudication of the disputes that have arisen between the parties under the Letter of Award dated 29.04.2023, particularly in terms of arbitration clause-5.27 thereof, produced at Annexure-A1.

2. The brief facts of the case are that petitioner is a company registered under the Companies Act engaged in the business of manufacturing, supplying and processing structural steel products and prefabricated structures for industrial and commercial construction projects. The respondent-company started business in 2006 mainly focusing on construction. The petitioner was awarded the work relating to fabrication, supply and erection of the



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structural steel FRAME works for the Radial IT Park project at Chennai by the respondent vide Letter of Award dated 29.04.2023 (Annexure-A1). The petitioner executed the contractual work and completed the project, however, during the execution of the said work, several delays and hindrances attributable to the respondent resulted in disputes between the parties relating to payments and additional claims.

3. As the disputes arose between the parties, the petitioner, invoking the arbitration clause contained in the Letter of Award, issued a notice dated 06.06.2026 vide Annexure-G to the respondent under Section 21 of the Act. The said arbitration clause 5.27 reads as under:

"5.27 Arbitration

Any claim or dispute relating to interpretation or execution of this sub-contract that cannot be settled amicably shall be referred to a panel of three arbitrators (one appointed by the Structural Steel Contractor, another appointed by Sub-contractor & the two appointed arbitrators shall appoint presiding arbitrator) and resolved as per the provisions of Indian Arbitration and Conciliation Act-1996, which shall be binding on both parties. The arbitration shall

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be held at Bangalore & exclusive jurisdiction of this agreement shall be under the courts of Bangalore, Karnataka."

4. Despite service of the said notice, the respondent did not furnish any response. Hence, the present petition is filed seeking appointment of a 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. Having regard to the existence of the arbitration clause contained in the Letter of Award, which provides for resolution of disputes arising between the parties, and the fact that the petitioner has duly invoked the said arbitration clause 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:

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HAREKOPPA THIMMANNA GOWDA



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ORDER

- a) Civil Miscellaneous Petition is **allowed**.
- b) Hon'ble Dr.Justice Vineet Kothari, Acting Chief Justice, High Court of Gujarat; Former Judge, High Court of Madras and Former Judge, High Court of Karnataka, 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 Hon'ble Dr.Justice Vineet Kothari.
- 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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- f) Parties are directed to appear before the
Director, Arbitration and Conciliation Centre,
Bengaluru, on **06.11.2026** at 11:30 a.m.

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HAREKOPPA THIMMANNA GOWDA

(H.T. NARENDRA PRASAD)
JUDGE

DM
LIST NO.: 1 SL NO.: 25