



CNR: KAHC010542802026

NC: 2026:KHC:44835
WP No. 24775 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

WRIT PETITION NO. 24775 OF 2026 (GM-RES)

BETWEEN:

M/S.ESKAG SANJEEVANI PRIVATE LIMITED
A COMPANY INCORPORATED UNDER THE
PROVISIONS OF THE COMPANIES ACT, 2013,
HAVING ITS REGISTERED OFFICE AT SUITE NOS.604
605, 6TH FLOOR, AG-112, SALT LAKE, SECTOR-II,
KOLKATA 700091, WEST BENGAL, REPRESENTED
HEREIN BY ITS AUTHORIZED REPRESENTATIVE,
SRI KAUSHIK KISHORE GHOSH.

PETITIONER

(BY SRI. NAVEEN J N.,ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
DEPARTMENT OF HEALTH AND FAMILY WELFARE,
M.S. BUILDING, DR. B.R. AMBEDKAR VEEDHI,
BENGALURU 560001.
REPRESENTED BY ITS PRINCIPAL SECRETARY.
2. THE MISSION DIRECTOR
NATIONAL HEALTH MISSION,
DEPARTMENT OF HEALTH AND FAMILY WELFARE,
AROGYA SOUDHA, MAGADI ROAD,
BENGALURU 560023.
3. THE COMMISSIONER,
HEALTH FAMILY WELFARE SERVICES,
AROGYA SOUDHA, MAGADI ROAD,
BENGALURU 560023.

Digitally signed
by SHWETHA
RAGHAVENDRA
Location: HIGH
COURT OF
KARNATAKA



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4. THE DIRECTOR
STATE NCD CELL, NATIONAL HEALTH MISSION,
AROGYA SOUDHA, MAGADI ROAD,
BENGALURU 560023.

RESPONDENTS

(BY SRI. MOHAMMED JAFAR SHAH.,AGA)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF CONSTITUTION OF INDIA PRAYING TOA) ISSUE A WRIT OF CERTIORARI OR ANY OTHER APPROPRIATE WRIT, ORDER OR DIRECTION, QUASHING THE IMPUGNED COMMUNICATIONS BEARING NO.NHM/KAR/PMNDP/PPP/LEGAL/2026-27/1854 AND NO. NHM/KAR/PMNDP/PPP/LEGAL/2026-27/1855, DATED 16.07.2026, ISSUED BY THE FOURTH RESPONDENT AND PRODUCED AS ANNEXURE-P AND ANNEXURE-P1 AND ETC.,.

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

CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

ORAL ORDER

1. Learned AGA accepts notice for respondents.
2. The petitioner is before this Court seeking for the following reliefs:

"WHEREFORE, the petitioner most respectfully prays that this Hon'ble Court may be pleased to:

- a) *Issue a writ of Certiorari or any other appropriate writ, order or direction, quashing the impugned communications bearing No. No; DD / Dialysis /02 / 2026-27 [E-2196660] and in No; DD /Dialysis / 01 / 2026-27 [e-2176082] both dated 16.07.2026, issued by the fourth respondent and*



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produced as Annexure-P and Annexure-P1 respectively to the writ petition.

- b) Issue a writ of Mandamus or any other appropriate writ, order or direction declaring that the arbitration agreement contained in Contract Agreement marked at Annexure-B continues to remain valid, subsisting and enforceable for adjudication of disputes arising out of or in connection with the said Agreement, notwithstanding expiry, termination or completion of the contractual period;*
- c) Issue a writ of Mandamus or any other appropriate writ, order or direction, directing the respondents to act upon the petitioner's arbitration notices dated 14.05.2026 and 27.05.2026 and legal notice dated 11.07.2026 marked at Annexure-L, M & N by taking all necessary steps and extending full cooperation for the constitution and conduct of the arbitral proceedings in terms of the arbitration clause contained in Contract Agreement produced as Annexure-B, in accordance with the provisions of the Arbitration and Conciliation Act, 1996.*
- d) Declare that the Government Circular dated in No.LAW-LAC/198/2024 16.11.2024 marked at Annexure-K relied upon in the impugned communications, is prospective in operation and is inapplicable to the Agreement Marked at Annexure-B, and consequently cannot be retrospectively applied to extinguish or impair the petitioner's accrued contractual rights or the arbitration agreement executed thereunder;*
- e) Issue a writ of Certiorari or any other appropriate writ, order or direction, quashing the Government Notification/Circular in No.LAW-LAC/198/2024 dated 16.11.2024 marked at Annexure-K in so far as it seeks to prohibit, withdraw or render inoperative arbitration clauses in Government contracts and/or is sought to be applied to*



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existing contracts and arbitration agreements executed prior to its issuance, as being arbitrary, unconstitutional, ultra vires the provisions of the Arbitration and Conciliation Act, 1996, and violative of Articles 14 and 300A of the Constitution of India.

e) Grant such other writ, order or direction as this Hon'ble Court deems fit, proper and equitable in the facts and circumstances of the case, including an order awarding costs of this writ petition, in the interest of justice and equity."

3. After arguing for some time, learned counsel for the petitioner seeks permission to withdraw the above petition, with liberty to file a application under Section 11 of the Arbitration and Conciliation Act, 1996.
4. Reserving such liberty, leaving all contention open, the petition stands ***disposed of***.

**Sd/-
(SURAJ GOVINDARAJ)
JUDGE**