



CNR: KAHC010554642026

NC: 2026:KHC:55550
WP No. 25160 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 6TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE C.M. POONACHA

WRIT PETITION NO. 25160 OF 2026 (GM-RES)

BETWEEN:

1. M/S. PAI VAIBHAV HOTELS INDIA PVT. LIMITED,
A COMPANY REGISTERED UNDER
THE INDIAN COMPANIES ACT, 1956,
REGISTERED OFFICE AT NO. 530/58,
33RD CROSS, 11TH MAIN,
JAYANAGAR, 4TH BLOCK,
BENGALURU- 560 011.
REPRESENTED BY ITS PARTNER
SRI. SUJAY JAGANNATH PAI

...PETITIONER

(BY SRI. DWARAKANATH H S.,ADVOCATE)

AND:

1. SMT.LAKSHMI RAJAPPA
W/O. LATE SRI.G.RAJAPPA
AGED ABOUT 70 YEARS
2. SRI.PRADEEP GR
S/O. LATE SRI.G.RAJAPPA
AGED ABOUT 44 YEARS
3. SRI.SANDEEP GR
S/O. LATE SRI.G.RAJAPPA
AGED ABOUT 41 YEARS

RESPONDENTS NO.1 TO 3 ARE





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RESIDING AT NO.562, 20TH MAIN,
36TH CROSS JAYANAGAR
4TH T BLOCK BANGALORE-560 011

4. SRI.I.S.ANTIN
DISTRICT JUDGE (RETD)
SOLE ARBITRATOR AT ARBITRATION AND
CONCILIATION CENTRE,
BENGALURU (DOMESTIC AND INTERNATIONAL),
KHANIJA BHAVAN, RACE COURSE ROAD,
BENGALURU - 560 001

...RESPONDENTS

(V/O DTD 1.9.2026 SRI IAN LEWIS., ADVOCATE FOR R1 TO R3
V/O DTD 3.9.2026 NOTICE TO R4 IS DISPENSED WITH)

THIS WP IS FILED UNDER ARTICLES 226 & 227 OF THE
CONSTITUTION OF INDIA PRAYING TO QUASHING THE
CONDITIONS IMPOSED IN THE ORDERS PASSED ON I.A NO.1
FILED UNDER SECTION 34, 36(2) AND (3) OF ARBITRATION
AND CONCILIATION ACT, 1996 IN COM.A.P. NO.96/2026
DATED 30/07/2026 PASSED BY THE LXXXVII ADDITIONAL CITY
CIVIL AND SESSIONS JUDGE, BENGALURU (CCH-88) VIDE
ANNX-A AND FOR SUCH OTHER WRIT DIRECTIONS,
DECLARATIONS AND ORDERS AS THIS HON'BLE COURT MAY
DEEM FIT TO GRANT INCLUDING THE COSTS OF THIS
PETITION.

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

CORAM: HON'BLE MR. JUSTICE C.M. POONACHA

ORAL ORDER

The present writ petition is filed seeking for the following
reliefs:

*"WHEREFORE the petitioner prays that this Hon'ble Court
may be pleased to issue writ of certiorari quashing the*

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conditions imposed in the orders passed on I.A No.1 filed under Section 34, 36(2) and (3) of Arbitration and Conciliation Act, 1996 in Com.A.P.No.96/2026 and 30/07/2026 passed by the LXXXVII Additional City Civil and Sessions Judge, Bengaluru (CCH-88) vide Annexure-A and for such other writ directions, declarations and orders as this Hon'ble court may deem fit to grant including the costs of this petition."

2. The petitioner is aggrieved by the order dated 30.07.2026 passed on IA No.1 in Com.A.P.No.96/2026 by the LXXXVII Additional City Civil and Sessions Judge, (CCH-88), Bengaluru¹, (Annexure-A to the writ petition) whereunder the Commercial Court, while considering the application filed by the petitioner under Section 34 of the Arbitration and Conciliation Act, 1996², and the interim application (IA No.1) filed for stay, ordered as under:

"ORDER

The operation and execution of award passed by the Arbitral Tribunal in A.C.No.20/2025, dated 28.02.2026 is hereby stayed until further orders, subject to condition that Petitioner Company shall deposit 50% of the award amount before this court within 30 days from the date of this order.

Accordingly I.A.No.I is hereby disposed off.

Since the Respondents have already appeared through their counsel and filed objections to I.A. and Main Petition, as such issuance of order of stay stands dispensed with. Similarly Respondent No.4 is Sole

¹ Hereinafter referred to as ' Commercial Court'

² Hereinafter referred to as 'A&C Act'



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Arbitrator being formal party, hence notice to R4 also stands dispensed with.

Call for entire records in A.C.No.20/2025 dated 28.02.2026 from Karnataka Arbitration Centre, Bengaluru.

For arguments on merits.

Call on 02.09.2026."

3. The said application under Section 34 of the A&C Act was filed by the petitioner being aggrieved by the Arbitral Award dated 28.02.2026 passed in AC No.20/2025 (Annexure B to the writ petition) by the Sole Arbitrator/Arbitral Tribunal, whereunder it was held that the respondents were entitled to recover a total sum of `1,40,93,066/- towards the arrears of rent from the petitioner (who was arrayed as a respondent before the Arbitral Tribunal) as well as various other amounts towards costs, damages and interest. Vide the Arbitral Award, the petitioner was also directed to deliver vacant possession of the premises in question.

4. This Court vide interim order dated 03.09.2026 ordered as under:

"1. Sri. Ian Lewis, learned counsel accepts notice for respondent nos.1 to 3.

2. Notice to respondent no.4 is dispensed with for the present.

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3. Considering the documents at Annexure D-Series, where a group company of the petitioner had made payment of certain monies to the respondents and despite repeatedly enquiring with the counsel for the respondents as to on what basis the said payments have been made and on what basis the respondents have received the money, there being no suitable answer given, the contention of the petitioner being that such amounts were paid towards rentals, the operation of the order dated 30.07.2026 passed by the LXXXVII Additional City Civil and Sessions Judge, Bengaluru in Com.A.P.No.96/2026 dated 30.07.2026 at Annexure-A insofar as the condition imposing a deposit of 50% of the amount directed to be deposited insofar as the rental claim is concerned, till the next date of hearing.

4. Both the counsels are directed to file their respective calculations and accounts statement by next date of hearing.

5. Re-list on 29.09.2026."

5. A memo of calculation has been filed on behalf of the petitioner, which reads as under:

"MEMO OF CALCULATIONS

The Petitioner begs to submit as follows:

1. The Award passed directs Rs.1,40,93,066/- (Rupees One Crore Forty Lakhs Ninety-three Thousand Sixty-six only) towards rent and Rs.40,00,000/- (Rupees Forty Lakhs) towards damages. The Award further accepts that Rs.30,20,000/- (Rupees Thirty lakhs Twenty Thousand) is already held by the Respondents as advance. The Award by itself has given deduction to Rs.30,20,000/- (Rupees Thirty lakhs Twenty Thousand)

2. In the light of the orders passed by this Hon'ble court, if the arrears of rents is not taken into consideration, there would be no liability towards rent at all.

3. The net result is upto date rents are paid. But the Respondents holds a further sum of Rs.30,20,000/- (Rupees Thirty lakhs Twenty Thousand).

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4. *The amount Awarded towards damages is Rs.40,00,000/-(Rupees Forty Lakhs) and Respondents holds Rs.30,20,000/-(Rupees Thirty lakhs Twenty Thousand).*

5. *So, the Balance payable is only Rs.9,80,000/- (Rupees Nine Lakhs Eighty Thousand).*

The Petitioner has deposited 50% of Rs.9,80,000/- (Rupees Nine Lakhs Eighty Thousand) along with interest of Rs.29,400/- (Rupees Twenty-Nine Thousand Four Hundred) calculated at the rate of 6% from the date of Award to this date i.e., for 6 months. The total amount to be deposited would be Rs.5,04,700/- (Rupees Five Lakhs Four Thousand Seven Hundred) by way of Demand Draft bearing No.002898, dated 15/09/2026, drawn on Saraswat Bank, Jayanagar Branch, Bengaluru in Com. A.P.No.96 OF 2026.

The said amount has been deposited. The same is borne out in trail court's order sheet dated 17/09/2026 and the same is enclosed."

6. It is submitted on behalf of the petitioner that said sum of `5,04,700/- has been deposited by the petitioner before the Commercial Court.

7. Learned counsel for the respondents, upon instructions, submits that the said deposit of `5,04,700/- be accepted as being in satisfaction/compliance of the impugned order dated 30.07.2026 passed by the Commercial Court and the petition filed by the petitioner under Section 34 of the A&C Act be adjudicated on merits before the Commercial Court.

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8. In view of the aforementioned, the deposit of `5,04,700/- made by the petitioner as placed on record in the memo of calculations, which is extracted herein above, shall be in satisfaction of the condition imposed in the impugned order dated 30.07.2026 passed on IA No.1 in Com.A.P.No.96/2026 by the Commercial Court.

9. The Commercial Court shall proceed further with the adjudication of Com.A.P.No.96/2026 on its merits in accordance with law.

10. The merits of contentions of both the parties are kept open to be adjudicated before the Commercial Court.

11. The writ petition is partly allowed in the aforementioned terms.

12. Pending IAs., if any, stand disposed of.

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(C.M. POONACHA)
JUDGE

ND
List No.: 1 Sl No.: 48