



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 30TH DAY OF APRIL, 2026

BEFORE

THE HON'BLE MR. JUSTICE E.S.INDIRESH

CIVIL MISC. PETITION NO. 522 OF 2025

BETWEEN:

DUO ASSOCIATES (BUILDERS) PRIVATE LIMITED
A COMPANY INCORPORATED UNDER THE
COMPANIES ACT, 1956 HAVING ITS
REGISTERED OFFICE AT NO.28,
ULSOOR ROAD,BENGALURU 560 042.
REPRESENTED BY ITS DIRECTOR
MR. SOMASHEKAR.K.S.

...PETITIONER

(BY SRI. SRIRANGA, SR. COUNSEL FOR
SMT.SUMANA NAGANAND,ADVOCATE)

AND:

1. PACIFICA HOTELS (BANGALORE PROJECTS)
PRIVATE LIMITED
A COMPANY INCORPORATED
UNDER THE COMPANIES ACT, 1956
HAVING ITS REGISTERED OFFICE AT
AMRAPALASH BUNGALOWS
BEHIND FUN REPUBLIC RAMDEVNAGAR
AHMEDABAD - 380015.
REPRESENTED BY ITS DIRECTORS
2. A.M. SHARAT CHANDRA
S/O. A.C. MUNIVENKATEGOWDA
AGED ABOUT 59 YEARS
RESIDING AT NO.379/4,



23RD MAIN,16TH CROSS,
V PHASE, JP NAGAR
BENGALURU - 560 078.

3. T. PHANI MAHESH
S/O. T.C. ASHWATHNARAYAN
AGED ABOUT 50 YEARS
RESIDING AT NO.201, NEST,
247 80 FEET ROAD,
INDIRANAGAR,
BENGALURU-560030.
4. T.C. ASHOK
S/O. T. C. ASHWATHNARAYAN
AGED ABOUT 51 YEARS
RESIDING AT NO.14570, NE,
39TH STREET APARTMENT M 27
BELLEVUE, WA, USA.
5. DUO ASSOCIATES
A PARTNERSHIP FIRM HAVING ITS
OFFICE AT NO.28, ULSOOR ROAD
BENGALURU - 560 042.
REPRESENTED BY ITS PARTNER

...RESPONDENTS

(BY SRI. A SHASHIKIRAN SHETTY, SR.COUNSEL
FOR SMT.LATHA S SHETTY,ADVOCATE FOR R1;
SRI. HIRAN KRISHNA SWAMY, ADVOCATE FOR R2 TO R5;)

THIS CIVIL MISCELLANEOUS PETITION IS FILED UNDER
SECTION 11(5) OF THE ARBITRATION AND CONCILIATION
ACT, 1996, PRAYING TO APPOINT ARBITRAL TRIBUNAL TO
ADJUDICATE UPON THE DISPUTES THAT HAVE ARISEN
BETWEEN PETITIONER AND RESPONDENT AS PER CLAUSE 23
OF DEVELOPMENT AGREEMENT DATED 11.01.2008
(ANNEXURE - A).



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

CORAM: HON'BLE MR. JUSTICE E.S.INDIRESH

ORAL ORDER

Heard Sri. S Sriranga, learned Senior Counsel appearing on behalf of Smt. Sumana Nagananda, learned counsel for petitioner, Sri. A Shashikiran Shetty, learned Senior Counsel appearing on behalf of Smt. Latha S Shetty, Advocate for respondent No.1 and Sri. Hiran Krishna Swamy, learned counsel appearing for respondent Nos.2 to 5.

2. Learned Senior Counsel Sri. S. Sriranga for the petitioner invited the attention of this Court to Clause 23 of the Development Agreement dated 11.01.2008 (Annexure-'A') and sought for appointment of Arbitrators. It is also argued by the learned Senior Counsel by referring to paragraph No.7 of the petition and submitted that, an Arbitral Tribunal is already functioning as to the dispute between the parties and therefore, the



respondents to be directed to withdraw from the said arbitration and accordingly, sought for interference by this Court.

3. Per contra, Sri. Shashikiran Shetty, learned Senior Counsel appearing on behalf of respondent No.1, referred to Clause 23(b) and submitted that the panel of Arbitrators have to be appointed in terms of the Development Agreement produced at Annexure-'A' and he further contended as to the arguments advanced by Sri. Sriranga, learned Senior Counsel for petitioner that, this Court could not go beyond the scope of development agreement at Annexure-'A' and accordingly insisted for appointment of the Arbitrators in terms of the Clause 23.1(a) and 23.1(b).

4. It is also submitted by the learned Senior Counsel that Pacifica Hotel (Bangalore Project) Pvt. Limited and petitioner have authorized for appointment of their arbitrator.



5. Sri. Hiran Krishna Swamy, learned counsel appearing for respondent Nos.2 to 5 also made submission as to the earlier proceedings.

6. In the light of the submissions made by the learned counsels appearing for the parties, Clause 23 of the Development Agreement dated 11.01.2008 (Annexure-'A') reads as under:

"23. *Dispute Resolution*

23.1 The parties hereto agree that in the event of there being any disputes between the parties with regard to this Agreement or interpretation of any of the terms of this Agreement, except as set out in Clause 14.2 hereinabove (each a "Dispute"), the same shall be referred to arbitration in terms hereof and the arbitration shall be conducted as follows:

(a) All proceedings in any arbitration shall be conducted in English;

(b) The Dispute shall be referred to a panel of three (3) arbitrators; Duo shall appoint one (1) arbitrator, Palmstream Limited, a shareholder of the Developer shall, on behalf of the Developer, appoint one (1) arbitrator and the third arbitrator shall be appointed by the two (2) arbitrators nominated as aforesaid;

(c) The arbitral award shall be final and binding on the Parties, and the Parties



agree to be bound thereby and to act accordingly;

(d) The arbitral tribunal may award to a Party that substantially prevails do merits, its costs and reasonable expenses (including reasonable fee of its counsel);

(e) The seat of such arbitral shall be at Bangalore; and

(f) The arbitral proceedings shall be governed by the provisions of the Arbitration and Conciliation Act, 1996, or any statutory modification or reenactment thereof for the time being in force."

7. A perusal of the aforementioned Clause particularly 23.1(b) would indicate that the petitioner herein has to nominate one arbitrator and accordingly respondent No.1 has to nominate one arbitrator for resolution of their disputes and respective arbitrators appointed by the petitioner and respondent No.1 shall appoint the third arbitrator for resolution of the disputes. In that view of the matter, learned Senior Counsel Sri. S Sriranga, on instructions, submitted that the petitioner is nominating Justice Sri. Anand Byra Reddy, Former Judge, High Court of Karnataka, as an arbitrator for resolution of the disputes. Accordingly, Sri. A Shashikiran Shetty,



learned Senior Counsel appearing on behalf of respondent No.1 nominate Justice Sri. S J Mukhopadhaya, Former Judge of the Hon'ble Supreme Court of India, as an arbitrator for resolution of the dispute. In that view of the matter, learned arbitrators referred to above are requested to appoint the third arbitrator for resolution of the dispute. Accordingly, the petition stands ***disposed of***.

**SD/-
(E.S.INDIRESH)
JUDGE**

SSD
List No.: 1 Sl No.: 16