



CNR: KAHC010782342025

NC: 2026:KHC:46227  
CMP No. 699 of 2025

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 27<sup>TH</sup> DAY OF AUGUST, 2026**

**BEFORE**

**THE HON'BLE MR. JUSTICE B M SHYAM PRASAD**

**CIVIL MISC. PETITION NO. 699 OF 2025**

**BETWEEN:**

M/S FUTURE MINDS  
HAVING ITS REGISTERED OFFICE AT  
BOATMAN 1102,  
SJR WATER MARK APARTMENT,  
SHUBH ENCLAVE,  
HARLUR 1<sup>ST</sup> MAIN ROAD,  
AMBALIPURA KASAVANAHALLI,  
BENGALURU URBAN  
KARNATAKA - 560102  
REPRESENTED BY ITS  
AUTHORISED SIGNATORY  
MR. AMIT KAPOOR

...PETITIONER

(BY SRI. ANISH P BHOJANI., ADVOCATE)

**AND:**

1. M/S JAIHIND TUBES PRIVATE LIMITED  
133(1)A, JAIHIND TUBES  
PRIVATE LIMITED,  
NH-66, ASPEEN SOUTH GATE,  
HEJAMADY, UDUPI,  
KARNATAKA - 574103
2. MR. MAHENDRA KUMAR JAIN  
DIRECTOR,  
M/S JAIHIND TUBES PRIVATE LIMITED,

Digitally  
signed by  
VANAMALA  
N



Location:  
HIGH  
COURT OF  
KARNATAKA



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- 133(1)A, JAIHIND TUBES  
PRIVATE LIMITED,  
NH-66, ASPEEN SOUTH GATE,  
HEJAMADY UDUPI,  
KARNATAKA – 574103
3. MR. DIVYAKUMAR JAIN  
DIRECTOR,  
M/S JAIHIND TUBES PRIVATE LIMITED,  
133(1)A, JAIHIND TUBES  
PRIVATE LIMITED,  
NH-66, ASPEEN SOUTH GATE,  
HEJAMADY, UDUPI,  
KARNATAKA – 574103
4. MR RAHUL JAIN  
DIRECTOR,  
M/S JAIHIND TUBES PRIVATE LIMITED,  
133(1)A, JAIHIND TUBES  
PRIVATE LIMITED,  
NH-66, ASPEEN SOUTH GATE,  
HEJAMADY UDUPI,  
KARNATAKA - 574103

...RESPONDENTS

(BY SRI. VARUN S., ADVOCATE FOR R1 – R4)

THIS CMP IS FILED U/S. 11(5) OF THE  
ARBITRATION AND CONCILIATION ACT 1996 PRAYING  
TO APPOINT AND CONFIRM MR. MITHUN GERAHALLI,  
ADVOCATE, AS THE SOLE ARBITRATOR TO  
ADJUDICATE THE DISPUTES ARISING BETWEEN THE  
RESPONDENTS UNDER CLAUSE 15 OF THE MOU  
DATED: 01.01.2025 (AS PER ANNEXURE – D)

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



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CORAM: HON'BLE MR. JUSTICE B M SHYAM PRASAD

**ORAL ORDER**

The petitioner relies upon the Memorandum of Understanding dated 01.01.2025 which has the agreement for arbitration for the appointment of a sole arbitrator, and the petitioner has filed this petition after causing the Legal Notice dated 23.09.2025 inviting the respondents' concurrence for the appointment of its nominee. It is not in dispute that the first respondent has caused a reply on 17.10.2025 denying liability but asserting that its nominee must be appointed as a sole arbitrator.

The question for consideration is whether this Court must appoint a sole arbitrator choosing between the two nominees while examining whether the arbitration must be just between the petitioner and the first respondent or between the petitioner and all the respondents.



Mr. Varun S., the learned counsel for the respondents, submits that the Memorandum of Understanding is between the petitioner and the first respondent alone and therefore, any arbitration must be between these parties. However, Mr. Anish P. Bhojani, the learned counsel for the petitioner, submits that the first respondent is an incorporated entity which is represented by its Directors [*the second to fourth respondents*]. This undisputed fact persuades this Court to opine that there must be an arbitration for resolution of dispute amongst not just the petitioner and the first respondent but even the other respondents and that a third arbitrator must be appointed. In the light of the afore, the following. order

**ORDER**

**[A]** The petition is allowed, and  
Smt. Rahat Afshan H N, a retired  
Senior Civil Judge, is appointed as



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the sole arbitrator to enter reference of the dispute between the petitioner and respondents and conduct the proceeding at the Arbitration and Conciliation Centre [Domestic and International], Bengaluru according to the Rules governing the Arbitration and Conciliation Centre [Domestic and International], Bengaluru.

**[B]** The Registry is directed to communicate this order [through e-mail] to the Arbitration and Conciliation Centre [Domestic and International], Bengaluru and Smt. Rahat Afshan H N, a retired Senior Civil Judge, Address: No. B-106, Vaishnavi Oasis, Near Tippu Circle, J. P. Nagar 9<sup>th</sup> Phase, Bengaluru-560 108 [e-mail ID:



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*rahat.afshan@gmail.com]* as required under the Appointment of Arbitrators by the Chief Justice of Karnataka High Court Scheme, 1996.

**[C]** The submissions of the learned counsel for the petitioner that the addresses of the parties as mentioned in the cause title are also the current addresses of the parties is taken on record, and the parties are directed to appear before the Director, the Arbitration and Conciliation Centre [Domestic and International], Bengaluru, on **05.10.2026** at **11.30 am.**

Sd/-  
(B M SHYAM PRASAD)  
JUDGE

RB