



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 10TH DAY OF APRIL, 2026

BEFORE

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

CIVIL MISC. PETITION NO. 744 OF 2025

BETWEEN:

MAA SHEETLA DISTRIBUTORS PVT. LTD.,
HAVING ITS REGISTERED OFFICE AT
PLOT NO.572A, RAMPUR ROAD,
HALDWANI, DISTRICT NAINITAL,
UTTARAKHAND - 263 139,
REPRESENTED BY ITS AUTHORISED SIGNATORY,
SRI. NILESH KUMAR SINGH.

...PETITIONER

(BY SRI. NAMAN JHABAKAH, ADVOCATE ALONG WITH
SMT. MAYA HOLLA, ADVOCATE)

AND:

M/S AB IN BEV
HAVING REGISTERED OFFICE AT 301/302,
DYNASTY BUSINESS PARK,
B WING, ANDHERI KURLA ROAD,
ANDHERI (E),
MUMBAI - 400 059.

...RESPONDENT

(BY SRI. ABHAY CHATTOPADHYAY, ADVOCATE ALONG WITH
SMT. SUKANYA MUKARJI, ADVOCATE)

THIS CMP IS FILED UNDER SECTION 11(6) OF
ARBITRATION AND CONCILIATION ACT, 1996, PRAYING TO
EXERCISE ITS POWER UNDER SECTION 11(6) OF THE
ARBITRATION AND CONCILIATION ACT, 1996, AND APPOINT A
SUITABLY QUALIFIED PERSON AS THE ARBITRATOR TO
ADJUDICATE THE DISPUTES THAT HAVE ARISEN BETWEEN THE
PETITIONER AND THE RESPONDENT IN TERMS OF CLAUSE -23



OF THE DISTRIBUTOR AGREEMENT DATED 20.03.2021
PRODUCED AT ANNEXURE-B.

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. Naman Jhabakh, learned counsel along
with Smt. Maya Holla, learned counsel appearing for the
petitioner and Sri. Abhay Chattopadhyay, learned counsel
along with Smt. Sukanya Mukarji, learned counsel
appearing for the respondent.

2. Learned counsel appearing for the petitioner
invited the attention of the Court to Clause-23.2 of the
Distributor Agreement dated 20.03.2021 (Annexure-B)
and submitted that, the notice under Section 21 of
Arbitration and Conciliation Act, 1996 has been issued to
the respondent seeking appointment of the Arbitrator and
therefore, it is argued by the learned counsel appearing
for the petitioner that, the appointment of the Arbitrator to
resolve the dispute between the parties is necessitated.



3. In this regard, learned counsel appearing for the respondent submitted that, the claim made by the petitioner against the respondent would not cover under Clause 23.2 of the Distributor Agreement at Annexure-B and therefore, learned counsel refers to the judgment of Hon'ble Supreme Court in the case of **NBCC (INDIA) LIMITED vs. ZILLION INFRAPROJECTS PRIVATE LIMITED** reported in **(2024) 7 SCC 174** and argued that, the petition requires to be dismissed.

4. In the light of the submissions made by the learned counsel appearing for the parties, I have carefully examined the Clause-23.2 of the Distributor Agreement dated 20.03.2021 (Annexure-B), which provides for the resolution of the dispute between the parties under the provisions of the Arbitration and Conciliation Act, 1996.

5. Having taken note of the submissions made by the learned counsel appearing for the respondent, opposing the petition as well as in the light of the judgment referred to by the learned counsel appearing for



the respondent, I am of the view that, whether the issue involved in this petition with regard to encashment of the bank guarantee requires to be considered by the Arbitral Tribunal. It is also be noted that, the nature of the dispute requires to be agitated and therefore, I am of the view that, the appointment of the Arbitrator is necessitated under Section 11 of the Arbitration and Conciliation Act, 1996.

6. In that view of the matter, Hon'ble Shri Justice Subhash B. Adi, former Judge, High Court of Karnataka be appointed as an Arbitrator for resolution of the dispute between the parties.

7. All claims and contentions of the parties are kept open including the objections raised by the respondent herein with regard to the Arbitrable nature of Clause-23.2 of the Distributor Agreement at Annexure-B.



8. A copy of this order be sent forthwith to the Arbitration and Conciliation Centre, Khanija Bhavan, Bengaluru for proceeding further in the matter.

9. Registry is directed to return the original documents if any, produced by the parties, after obtaining photostat copy of the same for the file.

10. Since the parties are represented through their learned counsels, parties are directed to appear before the Arbitration and Conciliation Centre, Bengaluru on 27.04.2026 at 11.00 a.m. to enable the learned Arbitrator to take further action in the matter.

Accordingly, Civil Miscellaneous Petition is ***disposed of.***

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