



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 14TH DAY OF NOVEMBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

CIVIL MISC. PETITION NO. 532 OF 2025

BETWEEN:

M/S. SHREE MANJUNATH ENTERPRISES,
REP. BY PROPRIETORS
SHRI.ANANDAMURTHY
SON OF LATE CHIKKABERANNA
AGED ABOUT 62 YEARS
RESIDING AT 217, 8TH CROSS
X MAIN, I BLOCK, HMT LAYOUT
NAGASANDRA POST, BENGALURU 560 073

...PETITIONER

(BY SRI. GIRIDHAR H, ADVOCATE)

AND:

SOUTH WESTERN RAILWAY
OFFICE BY THE DY.CHIEF ENGINEER/CONSTRUCTION-1,
AT 18, MILLERS ROAD,
BENGALURU-560046.
REP BY ITS DEPUTY CHIEF ENGINEER/CONSTRUCTION-I

...RESPONDENT

(BY SRI.SUSHAL TIWARI, ADVOCATE)

THIS CMP IS FILED UNDER SECTION 11(6) OF ARBITRATION AND CONCILIATION ACT, PRAYING TO APPOINT AN ARBITRATOR TO ADJUDICATE AS PER CLAUSE 8.2 OF THE AGREEMENT DATED 24.09.2019 AND THE DISPUTE ARISING BETWEEN THE PETITIONER AND RESPONDENT WITH REGARD TO NON RETURNING OF THE AFORESAID EMD AND SD AMOUNTING TO A SUM OF RS.1,01,80,070/- AVAILABLE WITH THE RESPONDENT BY INTERPRETING THE TERMS AND CONDITION VIDE ANNEXURE A CONTRACT AGREEMENT IN ALTOGETHER DIFFERENT, INCONSISTENT AND CONTRARY VERSIONS TO THE ANNEXURE A CONTRACT AGREEMENT.

Digitally signed
by SHWETHA
RAGHAVENDRA
Location: HIGH
COURT OF
KARNATAKA



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

CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

ORAL ORDER

1. The petitioner is before this Court seeking for the following reliefs;

A. Appoint an arbitrator to adjudicate as per clause 8.2 of the agreement dated 24.09.2019 and the dispute arising between the petitioner and respondent with regard to non returning of the aforesaid EMD and SD amounting to a sum of Rs.1,01,80,070/- available with the respondent by interpreting the terms and condition vide Annexure A contract agreement in altogether different, inconsistent and contrary versions to the annexure a contract agreement.

B. Grant such other relief/s as this Hon'ble Court may deems fit in the circumstances of the case, including costs of this proceedings, in the interest of justice and equity.

2. Perusal of the notice which had been issued indicates that there is no invocation and there is no nomination of an arbitrator. Hence the said notice does not comply with the requirement of Section 21 of the Arbitration and Conciliation Act.



3. Reserving liberty to the petitioner to issue a fresh and proper notice, the petition stands ***disposed***.

SD/-
(SURAJ GOVINDARAJ)
JUDGE

LN
List No.: 1 Sl No.: 71