HC-KAR

NC: 2026:KHC:60024
CMP No. 34 of 2024

CNR: KAHC010028412024

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 29TH DAY OF OCTOBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD

CIVIL MISC. PETITION NO. 34 OF 2024

BETWEEN:

M/S PARSWA CONSTRUCTIONS PVT LTD
REGISTERED OFFICE AT NO 67/1
NETTAAKALLAPPA CIRCLE
BASAVANGUDI, BENGALURU - 560004
REP. BY ITS DIRECTOR
MR HARESH KUMAR J SHA.

…PETITIONER

(BY SRI. ANAGHA NARASIMHA C N, ADVOCATE FOR
SRI. AJIT P B., ADVOCATE)

AND:

1. MR. G. MUNIYAPPA
   S/O LATE GANGAPPA

2. MRS NALINI
   W/O G MUNIYAPPA

3. MR M N PRAVEEN
   S/O MR G MUNIYAPPA

4. MRS MADHURYA
   W/O M N PRAVEEN

5. MRS M N PALLAVI
   W/O B J VENAKATESH
   R1 TO R5 ARE RESIDING AT
   NO. 930, 20TH MAIN

Digitally Signed by NARENDRA PRASAD
HAREKOPPA THIMMANNA GOWDA

BANASHANKARI 2ND STAGE
BENGALURU.

6. MRS M N PREETHI
W/O K R RAGHUNATH
R/AT NO 73, 10TH BLOCK
NAGARBHAVI 2ND STAGE
BENGALURU – 560072.

…RESPONDENTS

(BY SRI.NAMAN JHABAKH, ADVOCATE FOR
SRI. VIVEK HOLLA., ADVOCATE FOR R1 & R3:
R2, R4 & R5 ARE SERVED AND UNREPRESENTED
SERVICE OF NOTICE TO R6 IS HELD SUFFICIENT
V/O DATED: 10.09.2026)

THIS CIVIL MISC. PETITION UNDER SEC.11(5) OF THE ARBITRATION AND CONCILIATION ACT 1996, PRAYING THAT THIS HON'BLE COURT BE PLEASED TO APPOINT ANY RETIRED JUDGE OF THIS HON'BLE COURT OR ANY RETIRED DISTRICT JUDGE AS SOLE ARBITRATOR TO ADJUDICATE THE DISPUTE ARISING OUT OF THE JOINT DEVELOPMENT AGREEMENT DATED 09/12/2015 (ANNEXURE A RUNNING PAGE NO.44 CLAUSE U) IN RESPECT OF THE CLAIMS AND CONTRA THAT MAY BE RAISED BY THE PETITIONER AND RESPONDENTS BEFORE THE KARNATAKA ARBITRATION CENTRE, BENGALURU TO SERVE THE INTEREST OF JUSTICE AND EQUITY.

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

CORAM: HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD

Digitally Signed by NARENDRA PRASAD
HAREKOPPA THIMMANNA GOWDA

ORAL ORDER

1. This petition is filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 (for short, "the Act"), seeking appointment of a sole Arbitrator for adjudication of the disputes that have arisen between the parties under the Joint Development Agreement dated 09.12.2015, particularly in terms of Clause-U, thereof, produced at Annexure-A.

2. The brief facts of the case are that petitioner is engaged in the business of real estate and property development. Respondents are the owners of property bearing BBMP katha No.01, situated at 1st Cross, Revenue Layout, 5th Block, Banashankari 3rd Stage, Bengaluru, measuring 15352.6 sqft. Thereafter, parties entered into Joint Development Agreement dated 09.12.2015 for the development of the property into a residential apartment complex. Subsequently, disputes arose between the parties in relation to the said Agreement.

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3. As the disputes arose between the parties, the petitioner, invoking the arbitration clause contained in the Agreement, issued a notice dated 19.05.2023, vide Annexure-M to the respondents under Section 21 of the Act. The said arbitration Clause-U reads as under:

> *"U. ARBITRATION:*
> *1) In the event of breach of the terms of this Agreement or in the event of any differences or disputes arising between the parties herein on any matter concerning any issue contained herein, the same shall be resolved through an Arbitrator as per the provisions of Indian Arbitration Act, 1996 or the amended Arbitration Act in force, before resorting to a Court of Law. The venue of arbitration shall be at Bangalore.*
>
> *ii) In the event of breach by either party, the aggrieved party shall be entitled to specific performance and also be entitled to recover all losses and expenses incurred as a consequence of such breach from the party committing breach if the breaching party has not corrected any breach within 30 days from the notice of the enforcing party.*
>
> *iii) The courts in Bangalore shall alone have jurisdiction to adjudicate any matter concerning this agreement.*
>
> *iv) Pending any lis, the agreement or obligation undertaken herein by the owners shall be in force and not be suspended and the rights of the developers shall be in force unless restrained by a court."*

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4. The respondents sent a reply dated 19.06.2023 to the said notice vide Annexure-N. Being dissatisfied with the reply, the present petition is filed seeking appointment of a sole Arbitrator.

5. The learned counsel appearing for the respondents submits that respondents have no objection to the appointment of sole Arbitrator. However, he seeks that all the contentions of the parties be kept open to be urged before the learned Arbitrator.

6. Having regard to the existence of the arbitration clause contained in the Agreement, which provides for resolution of disputes arising between the parties, and the fact that the petitioner has duly invoked the said arbitration clause by issuing notice under Section 21 of the Act, this Court is of the opinion that a Sole Arbitrator is required to be appointed for adjudication of the disputes between the parties.

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HAREKOPPA THIMMANNA GOWDA

7. Accordingly, the following:

ORDER

a) Civil Miscellaneous Petition is **allowed**.

b) Hon'ble Smt. Justice Rathnakala, Former Judge, High Court of Karnataka, is appointed as the Sole Arbitrator in the present case to arbitrate the disputes between the parties at the Arbitration and Conciliation Centre (Domestic & International), Bengaluru, as per the Rules governing the said Arbitration Centre.

c) All the claims and contentions of the parties are left open.

d) Registry is directed to communicate this order via e-mail to the Arbitration and Conciliation Centre (Domestic & International), Khanija Bhavan, Bengaluru, and also to the learned Arbitrator.

e) Registry is directed to return all the original documents produced by any of the parties after obtaining Photostat copies of the same.

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HAREKOPPA THIMMANNA GOWDA

f) Parties are directed to appear before the Director, Arbitration and Conciliation Centre, Bengaluru, on 30.11.2026 at 11:30 a.m.

Digitally Signed by NARENDRA PRASAD HAREKOPPA THIMMANNA GOWDA

(H.T. NARENDRA PRASAD)
JUDGE

DM
List No.: 1 Sl No.: 5