HC-KAR
CNR: KAHC010281452026

NC: 2026:KHC:61447
CMP No. 195 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF NOVEMBER, 2026

BEFORE

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

CIVIL MISC. PETITION NO. 195 OF 2026

BETWEEN:

M/S FREYSSINET MENARD INDIA PVT LTD,
A COMPANY REGISTERED UNDER THE COMPANIES ACT
PRESENTLY HAVING ITS REGISTERED OFFICE AT
E-11, BLOCK B1 EXTENSION,(OPP NTPC BADARPUR)
MOHAN CO-OPERATIVE INDUSTRIAL ESTATE
MATHURA ROAD, NEW DELHI-110044.
REP. THROUGH ITS AUTHORISED SIGNATORY
MR. M.R. ASHOK.

...PETITIONER

(BY SMT. RADHIKA JAJU, ADVOCATE FOR
SRI. AJAY J NANDALIKE., ADVOCATE)

AND:

M/S MFAR CONSTRUCTIONS PVT LTD.,
HAVING ITS REGISTERED OFFICE AT
NO.8 AND 8A, AVS COMPOUND
80 FT ROAD, KORAMANGALA
4TH BLOCK, BANGALORE - 560034
REP. BY ITS DIRECTOR.

...RESPONDENT

(RESPONDENT SERVED AND UNREPRESENTED)

THIS CMP IS FILED UNDER SECTION 11(6) OF ARBITRATION AND CONCILIATION ACT 1996 PRAYING TO APPOINT A SOLE ARBITRATOR FOR THE CONSTITUTION OF THE ARBITRAL TRIBUNAL IN TERMS OF CLAUSE 44 OF THE JOB

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HAREKOPPA THIMMANNA GOWDA

ORDER DATED 10.04.2022 (ANNEXURE A) FOR THE RESOLUTION OF THE DISPUTES THAT HAVE ARISEN BETWEEN THE PETITIONER AND THE RESPONDENT ARISING OUT THE JOB ORDER DATED 10.04.2022 (ANNEXURE A).

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

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

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 Job Order dated 10.04.2022, particularly in terms of Clause 44 thereof, produced at Annexure-A.

2. The brief facts of the case are that the petitioner, a company incorporated under the Companies Act, 1956, was awarded a Job Order dated 10.04.2022 for carrying out post-tensioning works, including the associated services, materials and manpower. The petitioner claims to have completed the entire scope of work to the

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satisfaction of the respondent. However, the respondent failed to issue the Final Completion Certificate and release the Final RA Bill (RA-01) amounting to Rs.16,48,421/-, raised on 05.07.2022 and reiterated through Tax Invoice dated 23.02.2023. Despite repeated requests and reminders, the respondent failed to clear the outstanding amount. Disputes arose between the parties regarding non-payment of the outstanding amount of Rs.16,48,421/- along with interest at 24% per annum.

3. As the disputes arose between the parties, the petitioner, invoking the arbitration Clause 44 contained in the Job Order, issued a notice dated 01.07.2024, vide Annexure-L, to the respondent under Section 21 of the Act. The said arbitration clause 44 reads as under:

> *"**44. Disputes and Arbitration:** If any dispute arises between the two parties relating to this Agreement or any other item arising there-from, the same shall be settled in accordance with the provisions of Arbitration & Reconciliation Act 1996.It is only the Courts of Bangalore that will have the*

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jurisdiction to entertain any matter that may arise in respect of or under the terms of this Agreement."

4. Despite service of the said notice, the respondent did not furnish any response. Hence, the present petition is filed seeking appointment of a sole Arbitrator.

5. Notice issued by this Court has been duly served upon the respondent. However, there is no representation on behalf of the respondent.

6. Having regard to the existence of the arbitration clause contained in the Job Order, 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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7. Accordingly, the following:

ORDER

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

b) Mr.Murari Ashok Parashuram, retired District Judge, 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 Sole 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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f) Parties are directed to appear before the Director, Arbitration and Conciliation Centre, Bengaluru, on **17.12.2026** at 11:30 a.m.

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(H.T. NARENDRA PRASAD)
JUDGE

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LIST NO.: 1 SL NO.: 44