HC-KAR

NC: 2026:KHC:63335-DB
COMAP No. 241 of 2026

CNR: KAHC010300102026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 16TH DAY OF NOVEMBER, 2026

PRESENT

THE HON'BLE MR. JUSTICE D K SINGH

AND

THE HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN

COMMERCIAL APPEAL NO. 241 OF 2026

BETWEEN:

1. SRI INDUSHEKAR
   S/O LATE B.S.BHAGAVAN SINGH
   AGED ABOUT 63 YEARS,
   R/A BEHIND BAPUJI NURSING HOME,
   1ST CROSS, S.S.PURAM,
   TUMAKURU-572 102,

...APPELLANT

(BY SRI. MALLIKARJUNAIAH K S., ADVOCATE)

AND:

Digitally signed by VASANTHA KUMARY B K
Location: HIGH COURT OF KARNATAKA

1. THE DEPUTY COMMISSIONER
   ARBITRATOR (NATIONAL HIGHWAY 206),
   TUMAKURU DISTRICT,
   TUMAKURU-572 201

2. THE SPECIAL LAND ACQUISITION OFFICER,
   NATIONAL HIGHWAY
   NELAMANGAL- TUMAKURU ROAD,
   NO-48, O/A NO.678/3,
   BHAVI IKEMPANNA LAYOUT,
   HEBBALA,
   BENGALURU-560024

3. THE DIRECTOR OF PLANNING AUTHORITY,
   NATIONAL HIGHWAY,

AUTHORITY-48 NEAR GMIT,
CHITRADURGA-577558.

…RESPONDENTS

(BY SRI. BHAIRAV KUTTAIAH, AGA FOR R1 & R2)

THIS COMAP/COMMMERCIAL APPEAL IS FILED UNDER SECTION 13(1A) OF THE COMMERCIAL COURTS ACT, 2015, PRAYING TO ALLOW THIS APPEAL AND SET ASIDE THE ORDER PASSED BY THE DEPUTY COMMISSIONER AND HONBLE ARBITRATOR TUMAKURU, IN LAQ.ARB. CR.07/2020-2021 VIDE ANNEXURE A. SET ASIDE THE JUDGMENT AND DECREE PASSED BY THE II ADDITIONAL DISTRICT AND SESSIONS JUDGE, TUMAKURU VIDE ANNEXURE-B, DATED.02.03.2026 IN COM.APPEAL NO.03/2024.

THIS APPEAL, COMING ON FOR ADMISSION, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE D K SINGH
and
HON'BLE MR. JUSTICE H.SHANTHI BHUSHAN

ORAL JUDGMENT

(PER: HON'BLE MR. JUSTICE D K SINGH)

This is an appeal filed under Section 37 of the Arbitration and Conciliation Act, 1996 (for brevity ***'the Arbitration Act'***) R/w Section 13(1A) of the Commercial Courts Act, 2015, impugning the judgment and order dated 02.03.2026 passed by the Court of II Additional District and Sessions Judge at Tumakuru in Commercial Arbitration Petition No.03/2024 filed by the appellant against the order dated 14.12.2022 passed by

the Deputy Commissioner and Arbitrator, Tumakuru in LAQ;ARB;CR;7/2020-2021.

2. The applicant claimed to be the owner in respect of the land bearing survey number 317/2, 317/1 and 317 to the extent of 0.37 and 11 and 1/2 guntas put together 49 guntas, of land situated at Mydala, Amanikire, Urdigere Hobli, Tumakuru Taluk. The petitioner's land to an extent of 443 square meters situated in the aforesaid survey numbers was acquired by the Central Government, who issued the notification for National Highways Authority of India. The Award for compensation was passed by the Land Acquisition Officer vide Award notice dated 16.12.2019. Aggrieved by the said award, the petitioner filed Arbitration Petition before the Deputy Commissioner. However, the Deputy Commissioner found no merit in the petition and rejected the arbitration claim vide order dated 14.12.2022.

3. The said order, in respect of the petitioner's land which was acquired for widening of the National Highway, came to be challenged in Commercial Arbitration Petition No.03/2024 under Section 34 of the Arbitration Act.

4. The learned Commercial Court had framed the following points for its consideration:-

> *"1. Whether the petition of the petitioner is within the time as prescribed under Section 34(3) of the Arbitration and Conciliation Act, 1996?*
>
> *2. Whether compliance of Section 34(5) of the Act is mandatory?*
>
> *3. Whether the petitioner made out grounds for setting aside the arbitral award as provided under Section 34 of the Arbitration and Conciliation Act 1996 ?"*

5. The Trial Court has answered the aforesaid issues and held that the Arbitration petition filed under Section 34(1) was within the time prescribed under Section 34(3) of the Arbitration Act. The compliance of Sections 34(5) of the Arbitration Act would not be mandatory and no ground was made out to set aside the arbitral award passed by the Deputy Commissioner in respect of the land of the petitioner.

6. The Trial Court vide impugned judgment 02.03.2026 has dismissed the arbitration application under Section 34 as the

reasoning adopted by the learned Arbitrator for not interfering with the award was found to be justified and would not come within the purview of Section 34 of the Arbitration Act.

7. We are exercising the jurisdiction under Section 37 of the Arbitration Act. We are of the view, that the view taken by the Arbitrator as well as the Commercial Court under Section 34 of the Arbitration Act, do not require interference as admittedly the petitioner's land is situated in rural area and it has not even been converted for commercial purpose.

8. We therefore, find no ground to interfere with the impugned order dated 02.03.2026 passed by the Commercial Court in Commercial A.P.No.03/2024. This appeal lacks merit and substance, which is why it is ***dismissed.***

Sd/-
(D K SINGH)
JUDGE

Sd/-
(H.SHANTHI BHUSHAN)
JUDGE

NG
CT: SN
LIST No.1 Sl No.: 23