HC-KAR
NC: 2026:KHC:60026
CMP No. 264 of 2025
CNR: KAHC010302822025

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. 264 OF 2025

BETWEEN:

3M INDIA LIMITED
HAVING ITS REGISTERED OFFICE AT
PLOT NO.48-51, ELECTRONIC CITY
HOSUR ROAD, BENGALURU
KARNATAKA-560100.
THROUGH ITS AUTHORIZED REPRESENTATIVE
MR. ALOK KHAJANCHI.

...PETITIONER

(BY SRI. SUDHAKAR G V., ADVOCATE)

AND:

MR NITHIN MATHUR
PROPRIETOR
CARRYING ON BUSINESS IN THE
NAME AND STYLE OF M/S SRS ENTERPRISES
HAVING HIS OFFICE ADDRESS AT
SADDIQ NAGAR, KHASRA NO.1067
VIKAS NAGAR, MEERUT ROAD
GHAZIABAD, UTTAR PRADESH-201003.

...RESPONDENT

(SERVICE OF NOTICE TO RESPONDENT IS HELD SUFFICIENT)

THIS CIVIL MISC. PETITION IS FILED UNDER SECTION 11(5/6) OF ARBITRATION AND CONCILIATION ACT 1996., PRAYING TO APPOINT A SOLE ARBITRATOR TO RESOLVE ALL THE DISPUTES AND DIFFERENCES BETWEEN THE PETITIONER AND THE RESPONDENT IN

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ACCORDANCE WITH THE ARBITRATION CLAUSE CONTAINED CLAUSE 9 OF THE TERMS AND CONDITIONS WHICH WERE PRINTED AT THE BACK OF EACH OF THE INVOICES WHICH WERE RAISED AFTER THE COMPLETION OF THE DELIVERY OF THE GOODS IN THE FINANCIAL YEAR 2018-19 AND 2019-2020 ANNEXURE B (COLLECTIVELY).

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 Terms and Conditions of several invoices particularly in terms of Arbitration Clause, produced at Annexure-B (Collectively).

2. The brief facts of the case are that the petitioner is a public limited company registered under the Companies Act, 1956, engaged in the business of automotive, commercial solutions, consumer markets, design and

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construction, electronics, energy and health care. The respondent is the sole proprietor of M/s. SRS Enterprises and was appointed as an authorised distributor of various products of the petitioner. In this regard, the parties had entered into agreements from time to time. The Terms and Conditions governing the sale of goods were printed on the reverse side of each invoice raised by the petitioner upon delivery of the goods. Subsequently, disputes arose between the parties in relation to the transactions governed by the said invoices.

3. As the disputes arose between the parties, the petitioner, invoking the arbitration clause contained in the Terms and Conditions of the invoices, issued a notice dated 21.11.2024, vide Annexure-F, to the respondent under Section 21 of the Act. The said arbitration clause reads as under:

> *"9. Disputes: Any disputes in relation to the invoice and the goods supplied hereunder shall be, if not resolved by the parties, referred to arbitration at*

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"Arbitration Centre - Karnataka" established by Hon'ble High Court of Karnataka. The arbitration will be conducted in accordance with Arbitration &Conciliation Act, 1996 by a sole arbitrator wherein the seat and venue for arbitration shall be Bengaluru. The courts in Bengaluru shall have the exclusive jurisdiction overall issues relating to the Terms & Conditions of Sale."

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. By order of this Court dated 29.09.2026, service of notice to respondent is held sufficient. Despite the same, the respondent has remained unrepresented.

6. Having regard to the existence of the Terms and Conditions printed on the invoices, which provides for reference of disputes to arbitration, 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

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the opinion that a Sole Arbitrator is required to be appointed for adjudication of the disputes between the parties.

7. Accordingly, the following:

ORDER

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

b) Hon'ble Mr.Justice H.N.Nagmohan Das, 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 Hon'ble Mr.Justice H.N.Nagmohan Das.

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

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

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(H.T. NARENDRA PRASAD)
JUDGE

DM
LIST NO.: 1 SL NO.: 11