HC-KAR
NC: 2026:KHC:55222
CMP No. 220 of 2026
CNR: KAHC010305092026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 5TH DAY OF OCTOBER, 2026

BEFORE

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

CIVIL MISC. PETITION NO. 220 OF 2026

BETWEEN:

M/S. BNRR CONSULTING
HAVING ITS OFFICE AT NO. 18
SINCHANA 1ST FLOOR, 10TH CROSS
MALLESHWARAM, BANGALORE - 560 003.
REP. BY ITS PROPRIETOR
SRI. S. NARAYANAN
S/O. SRI. SAGARANAMAN
AGED ABOUT 68 YEARS

...PETITIONER

(BY SRI. MILIND DANGE., ADVOCATE)

AND:

1. DR. H. M. PRASANNA
   AGED ABOUT 55 YEARS
   S/O. SRI. H. N. HUCHAIAH
   R/AT NO. 5/17, RAVINANDANA
   8TH CROSS, TENT ROAD
   MAHALAKSHMI LAYOUT
   BANGALORE - 560 096.
   ALSO AT PRESTINE HOSPITAL
   NO. 877, DR. MC MODI HOSPITAL ROAD
   BASAVESHWARA NAGAR
   BANGALORE - 560 086.

2. MR. HEMANTH KUMAR H
   AGED ABOUT 52 YEARS
   S/O. SRI. H. N. HUCHAIAH
   R/AT NO. 5/17, RAVINANDANA
   8TH CROSS, TENT ROAD
   MAHALAKSHMI LAYOUT
   BANGALORE - 560 096.

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3. MRS. HEMAMALINI M. J.,
AGED ABOUT 44 YEARS
W/O. MR. HEMANTH KUMAR H
R/AT NO. 5/17, RAVINANDANA
8TH CROSS, TENT ROAD
MAHALAKSHMI LAYOUT
BANGALORE - 560 096.

4. ANAND RATHI GLOBAL FINANCE LIMITED
2ND FLOOR, BIKANER PINNACLE
NO.1, RHENIUS STREET
OFF. RICHMOND ROAD
BANGALORE - 560 025.

…RESPONDENTS

(R1 TO R4 ARE SERVED)

THIS CMP IS FILED UNDER SECTION 11(5) AND 11(6) OF ARBITRATION AND CONCILIATION ACT 1996, PRAYING TO APPOINT AN ARBITRATOR FOR THE PURPOSE OF ADJUDICATION OF THE DISPUTE BETWEEN THE PETITIONER AND RESPONDENT NOS.1 AND 2 AS PER CLAUSE 18 OF THE JOINT DEVELOPMENT AGREEMENT DATED: 25.09.2020 PRODUCED AT 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 Sections 11(5) and (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 petitioner and respondent Nos.1 and 2 under the Joint

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Development Agreement dated 25.09.2020, particularly in terms of Clause 18 thereof, produced at Annexure-A.

2. The brief facts of the case are that the petitioner is a proprietorship concern engaged in real estate development. Respondents Nos.1 and 2, being the absolute owners of the petition schedule property approached the petitioner for development of the said property. Thereafter, the parties entered into a Joint Development Agreement dated 25.09.2020. Subsequently, disputes arose between the parties in relation to the said Agreement.

3. As the disputes arose between the parties, the petitioner, invoking the arbitration clause contained in the Agreement, issued a notice dated 16.03.2026, vide Annexure-L to the respondents under Section 21 of the Act. The said arbitration clause 18 reads as under:

> *"18. All the disputes and differences arising between the parties hereto with regard to*

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interpretation of effect of any of the terms and conditions contained in this agreement or with regard to the rights and obligations of the parties hereto under this agreement shall be referred to the sole arbitration of Bengaluru. The Arbitrator shall be governed by the provisions of the Indian Arbitration Act."

4. Despite service of the said notice, the respondents did not furnish any response. Hence, 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

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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.

7. Accordingly, the following:

ORDER

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

b) Sri.Bailur Shankara Rama, 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

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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.

f) Parties are directed to appear before the Director, Arbitration and Conciliation Centre, Bengaluru, on 05.11.2026 at 11:30 a.m.

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(H.T. NARENDRA PRASAD)
JUDGE

DM
LIST NO.: 1 SL NO.: 23