HC-KAR
CNR: KAHC010338552024

NC: 2026:KHC:61581
CMP No. 286 of 2024

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. 286 OF 2024

BETWEEN:

M/S SCENIC BEAUTY HOMES PRIVATE LIMITED
REGISTERED OFFICE AT 552
7TH MAIN ROAD, AGS LAYOUT
DOLLARS COLONY, R M V 2ND STAGE
BENGALURU-560 094
REP. BY ITS AUTHORIZED SIGNATORY
NALLAMUTHU THANGAVEL.

...PETITIONER

(BY SRI. V AKSHAY KUMAR JAIN., ADVOCATE)

AND:

SHIV SHANKAR RAM
NO. 370, MAIN MARKET
NEAR SHIV MANDIR
BADARPUR, SOUTH DELHI-110044
SHIVASHANKAREC.INDIA@GMAIL.COM

...RESPONDENT

(BY SRI.V/O DATED: 15.10.2026 SERVICE OF NOTICE IS H/S IN R/O RESPONDENT)

THIS CMP IS FILED UNDER SECTION 11(6) OF THE ARBITRATION AND CONCILIATION ACT 1996, PRAYING TO APPOINT A FIT AND PROPER PERSON AS THE SOLE ARBITRATOR TO ADJUDICATE UPON THE DISPUTE AND DIFFERENCE THAT HAVE ARISEN BETWEEN THE PETITIONER AND THE RESPONDENT OUT OF OR IN CONNECTION WITH THE AGREEMENT FOR CONSTRUCTION DATED: 23.01.2023

Digitally Signed by NARENDRA PRASAD
HAREKOPPA THIMMANNA GOWDA

ANNEXURE-A AT CLAUSE 32 EXECUTED BETWEEN BOTH THE AFORESAID PARTIES AND ETC.

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 Agreement of Construction dated 23.01.2023, particularly in terms of Clause 32 thereof, produced at Annexure-A.

2. The brief facts of the case are that the petitioner, entered into an Agreement of Construction dated 23.01.2023 with the respondent for construction of a residential building on his property bearing Site No.70, Reliable Prime City, Bengaluru. As per the agreement, the respondent was required to make payments in accordance with the stipulated payment schedule. However, despite

Digitally Signed by NARENDRA PRASAD
HAREKOPPA THIMMANNA GOWDA

the construction reaching the foundation stage, the respondent failed to make the payment due under the said milestone. Subsequently, disputes arose between the parties in relation to the said Agreement of Construction.

3. As the disputes arose between the parties, the petitioner, invoking the arbitration clause contained in the Agreement of Construction, issued a notice dated 27.11.2023, vide Annexure-B, to the respondent under Section 21 of the Act. The said arbitration clause 32 reads as under:

> *"32. In the event of any dispute, difference or question arising out of or in respect of this agreement or the commission of any breach of any terms thereof or of compensation payable thereof or in any manner whatsoever in connection with it, the same shall be referred to arbitration in Bangalore and be settled in accordance with the Arbitration and Conciliation Act, 1996."*

Digitally Signed by NARENDRA PRASAD
HAREKOPPA THIMMANNA GOWDA

4. Despite service of the said notice, the respondent failed to furnish any response. Hence, the present petition is filed seeking appointment of a sole Arbitrator.

5. Notice issued by this Court was not served on the respondent. Hence, learned counsel for the petitioner took out paper publication by way of substituted service. Though notice was published, the respondent did not appear before this Court. Hence, service of notice on the respondent was held sufficient.

6. Having regard to the existence of the arbitration clause contained in the Agreement of Construction, 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.

Digitally Signed by NARENDRA PRASAD
HAREKOPPA THIMMANNA GOWDA

7. Accordingly, the following:

ORDER

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

b) Shri S.Siddalingesh, 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 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.

Digitally Signed by NARENDRA PRASAD
HAREKOPPA THIMMANNA GOWDA

f) Parties are directed to appear before the Director, Arbitration and Conciliation Centre, Bengaluru, on **17.12.2026** at 11:30 a.m.

Digitally Signed by NARENDRA PRASAD HAREKOPPA THIMMANNA GOWDA

(H.T. NARENDRA PRASAD)
JUDGE

HA
LIST NO.: 1 SL NO.: 30