HC-KAR
NC: 2026:KHC:62651
CMP No. 518 of 2026
CNR: KAHC010620872026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 12TH DAY OF NOVEMBER, 2026

BEFORE

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

CIVIL MISC. PETITION NO. 518 OF 2026

BETWEEN:

MR. ANIL SHAH
S/O. LATE NATHALAL SHAH
AGED ABOUT 55 YEARS
OCC: BUSINESS
R/O PLOT NO. 14, CCB NO. 5348/B
HULBATTI COLONY, SHAHPUR
BELAGAVI-590 003.

...PETITIONER

(BY SRI. AKSHARA HEGDE, ADVOCATE FOR
SRI. NANDISH PATIL., ADVOCATE)

AND:

KAMAI ELEVATORS(P) LTD
REP. BY ITS MANAGING DIRECTOR
REGISTERED/CORPORATE OFFICE
PLOT NO.1178-C, 58TH STREET
TVS COLONY, ANNA NAGAR WEST EXTENSION
CHENNAI – 600101.

...RESPONDENT

(RESPONDENT SERVED AND UNREPRESENTED)

THIS CMP IS FILED UNDER SECTION 11(6) OF ARBITRATION AND CONCILIATION ACT 1996 PRAYING TO APPOINT A RETIRED DISTRICT JUDGE AS INDEPENDENT SOLE ARBITRATOR TO ADJUDICATE UPON THE DISPUTES BETWEEN THE PARTIES RELATING TO THE CONTRACT/QUOTATION

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HAREKOPPA THIMMANNA GOWDA

BEARING NO.KEPL20190175 DATED 13.03.2019 VIDE ANNEXURE – A, CLAUSE AT PAGE NO.4.

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

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 Quotation/Agreement dated 13.03.2019, produced at Annexure-A, particularly in terms of the clause at page No.4 thereof.

2. The brief facts of the case are that the petitioner is the owner of the commercial property bearing CTS No.1373, Rajmani Complex, Opp. City Arcade Muthoot Finance, Basavanna Temple, Ramlingkhind Galli, Belagavi. The respondent is a Private Limited Company engaged in manufacturing and supplying of elevators. Thereafter, the parties entered into a Quotation/Agreement dated

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13.03.2019 for installation of elevators at the petitioner's property. As per the Agreement, the respondent has not installed the elevators, inspite of repeated request by the petitioner. Hence, disputes arose between the parties in relation to the said Quotation/Agreement.

3. As the disputes arose between the parties, the petitioner, invoking the arbitration clause contained in the Quotation/Agreement, issued a notice dated 21.07.2026, vide Annexure-B, to the respondent under Section 21 of the Act. The said arbitration clause reads as under:

> *"**ARBITRATION:***
>
> *In case of any dispute between us, the matter shall have to be settled by arbitration in Bangalore by an arbitrator appointed by KAMAI ELEVATORS and courts in Bangalore City shall have exclusive jurisdiction."*

4. The respondent sent a reply dated 24.07.2026 vide Annexure-C to the said notice. Being dissatisfied with the reply, the present petition is filed seeking appointment of a Sole Arbitrator.

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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 Quotation/Agreement, 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.

7. Accordingly, the following:

ORDER

a) Civil Miscellaneous Petition is allowed.

b) Sri C.R.Benakanalli, a 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

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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.

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

CM
LIST NO.: 1 SL NO.: 49