HC-KAR
CNR: KAHC010652202026

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. 548 OF 2026

C/W

CIVIL MISC. PETITION NO. 544 OF 2026

CIVIL MISC. PETITION NO. 546 OF 2026

CIVIL MISC. PETITION NO. 547 OF 2026

IN CMP No. 548/2026

BETWEEN:

T NARAYANA
S/O LATE SRI PULLAIAH
AGED ABOUT 67 YEARS
R/AT NO. 54, 4TH CROSS
K.T. ROAD, T. DASARAHALLI
BANGALORE 560 057.

...PETITIONER

(BY SRI/SMT. BURLA SREYA REDDY., ADVOCATE)

AND:

M/S KENT PROJECTS PRIVATE LIMITED
HAVING ITS REGISTERED OFFICE AT 316/9
RADHESHYAM NIWAS, JAWAHAR NAGAR
GOREGAON (WEST), MUMBAI 400 064
REP. BY ITS AUTHORIZED SIGNATORY
MR. NIKHIL R. SHAH
AGED ABOUT 53 YEARS
S/O R.R. SHAH
ALSO HAVING ADDRESS AT NO. 43

Digitally Signed by NARENDRA PRASAD HAREKOPPA THIMMANNA GOWDA

MEDAVAKKAM TANK ROAD, KILPAUK
CHENNAI - 600 010.
EMAIL NIKHILANCHOR@GMAIL.COM

…RESPONDENT

(RESPONDENT SERVED AND UNREPRESENTED)

THIS CMP IS FILED UNDER SECTION 11(6) OF ARBITRATION AND CONCILIATION ACT, 1996, PRAYING TO APPOINT AN INDEPENDENT AND IMPARTIAL ARBITRATOR ON BEHALF OF THE RESPONDENT IN TERMS OF CLAUSE 27.3 OF THE JOINT DEVELOPMENT AGREEMENT DATED 30.07.2015 ANNEXURE A FOR CONSTITUTION OF THE ARBITRAL TRIBUNAL CONTEMPLATED THERE UNDER AND APPOINT AN ARBITRATOR ON BEHALF OF THE RESPONDENT AND CONSTITUTE THE ARBITRAL TRIBUNAL IN ACCORDANCE WITH CLAUSE 27.3 OF THE JOINT DEVELOPMENT AGREEMENT DATED 30.07.2015 ANNEXURE A AND ETC.

IN CMP NO. 544/2026

BETWEEN:

SMT. G. BUJJAMMA
W/O LATE SRI G. NARAYANA REDDY
AGED ABOUT 72 YEARS
R/AT NO. 42, 5TH CROSS
K.T. ROAD, T. DASARAHALLI
BENGALURU - 560 057.

...PETITIONER

(BY SRI/SMT. BURLA SREYA REDDY., ADVOCATE)

AND:

M/S KENT PROJECTS PRIVATE LIMITED,
HAVING ITS REGISTERED OFFICE AT 316/9
RADHESHYAM NIWAS, JAWAHAR NAGAR
GOREGAON (WEST), MUMBAI - 400 064
REP. BY ITS AUTHORISED SIGNATORY
MR. NIKHIL R. SHAH
AGED ABOUT 53 YEARS

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HAREKOPPA THIMMANNA GOWDA

S/O R.R. SHAH
ALSO HAVING ADDRESS AT NO. 43
MEDAVAKKAM TANK ROAD, KILPAUK
CHENNAI-600 010.
EMAIL NIKHILANCHOR@GMAIL.COM

...RESPONDENT

(RESPONDENT SERVED AND UNREPRESENTED)

THIS CMP IS FILED UNDER SECTION 11(6) OF ARBITRATION AND CONCILIATION ACT, 1996, PRAYING TO ALLOW THE PRESENT CIVIL MISCELLANEOUS PETITION FILED UNDER SEC.11(6) OF THE ARBITRATION AND CONCILIATION ACT., 1996 AND APPOINT AN INDEPENDENT ARBITRATION ON BEHALF OF THE RESPONDENT IN TERMS OF CLAUSE 27.3 OF THE JOINT DEVELOPMENT AGREEMENT DATED 30.07.2015 IN ANNEXURE - A FOR CONSTITUTION OF THE ARBITRAL TRIBUNAL CONTEMPLATED THEREUNDER, ALONGWITH THE PETITIONERS NOMINEE ARBITRATOR, HONBLE MR.JUSTICE P. KRISHNA BHAT (RETD)., AND A PRESIDING ARBITRATOR CHOSENBY THE TWO ARBITRATORS SO APPOINTED AND ETC.

IN CMP NO. 546/2026

BETWEEN:

CHALAMALA BABU REDDY
REP. BY HIS GPA HOLDER
G. BUJJAMMA
W/O LATE G. NARAYANA REDDY
AGED ABOUT 72 YEARS
R/AT NO. 42, 5TH CROSS, K.T. ROAD
T. DASARAHALLI, BENGALURU 560 057.

...PETITIONER

(BY SRI/SMT. BURLA SREYA REDDY., ADVOCATE)

AND:

M/S KENT PROJECTS PRIVATE LIMITED
HAVING ITS REGISTERED OFFICE AT
316/9, RADHESHYAM NIWAS
JAWAHAR NAGAR, GOREGAON (WEST)

Digitally Signed by NARENDRA PRASAD
HAREKOPPA THIMMANNA GOWDA

MUMBAI 400 064,
REP. BY ITS AUTHORISED SIGNATORY
MR. NIKHIL R. SHAH
AGED ABOUT 53 YEARS
S/O R.R. SHAH
ALSO HAVING ADDRESS AT
NO. 43, MEDAVAKKAM TANK ROAD
KILPAUK, CHENNAI - 600 010.
EMAIL NIKHILANCHOR@GMAIL.COM

...RESPONDENT

(RESPONDENT SERVED AND UNREPRESENTED)

THIS CMP IS FILED UNDER SECTION 11(6) OF ARBITRATION AND CONCILIATION ACT PRAYING TO APPOINT AN INDEPENDENT AND IMPARTIAL ARBITRATOR ON BEHALF OF THE RESPONDENT IN TERMS OF CLAUSE 27.3 OF THE JOINT DEVELOPMENT AGREEMENT DATED 30.07.2015 IN ANNEXURE A FOR CONSTITUTION OF THE ARBITRAL TRIBUNAL CONTEMPLATED THEREUNDER AND ETC.

IN CMP NO. 547/2026

BETWEEN:

PRABHA CHALAMALA
REP. BY HIS GPA HOLDER
G. BUJJAMMA
W/O LATE G. NARAYANA REDDY
AGED ABOUT 72 YEARS
R/AT NO. 42, 5TH CROSS, K.T. ROAD
T. DASARAHALLI, BENGALURU 560 057.

...PETITIONER

(BY SRI/SMT. BURLA SREYA REDDY., ADVOCATE)

AND:

M/S KENT PROJECTS PRIVATE LIMITED
HAVING ITS REGISTERED OFFICE AT 316/9
RADHESHYAM NIWAS
JAWAHAR NAGAR, GOREGAON (WEST)

Digitally Signed by NARENDRA PRASAD
HAREKOPPA THIMMANNA GOWDA

MUMBAI- 400 064,
REP. BY ITS AUTHORISED SIGNATORY
MR. NIKHIL R. SHAH
AGED ABOUT 53 YEARS
S/O R.R. SHAH
ALSO HAVING ADDRESS AT
NO. 43, MEDAVAKKAM TANK ROAD
KILPAUK, CHENNAI 600 010
EMAIL NIKHILANCHOR@GMAIL.COM

...RESPONDENT
(RESPONDENT SERVED AND UNREPRESENTED)

THIS CMP IS FILED UNDER SECTION 11(6) OF ARBITRATION AND CONCILIATION ACT, 1996, PRAYING TO ALLOW THE PRESENT CIVIL MISCELLANEOUS PETITION FILED UNDER SECTION 11(6) OF THE ARBITRATION AND CONCILIATION ACT., 1996 AND APPOINT AN INDEPENDENT AND IMPARTIAL ARBITRATOR ON BEHALF OF THE RESPONDENT IN TERMS OF CLAUSE 27.3 OF THE JOINT DEVELOPMENT AGREEMENT DATED 30.07.2015 IN ANNEXURE – A AND ETC.

THESE PETITIONS, COMING ON FOR ADMISSION, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD

ORAL ORDER

1. These petitions are 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 Joint Development Agreement (for short 'JDA') dated 30.07.2015, particularly in terms of Clause

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HAREKOPPA THIMMANNA GOWDA

27.3 thereof, produced at Annexure-A in respective petitions.

2. The brief facts of the case are that the petitioner in each of these petitions is the owner of the property described in the respective petitions. Each petitioner has entered into a separate Joint Development Agreement with the respondent, all dated 30.07.2015 (Annexure-A in the respective petitions). In terms of the respective Agreements, the respondent was obligated to develop the schedule properties by constructing residential apartments and plotted villas. Subsequently, disputes arose between the respective petitioners and the respondent in relation to the said Agreements.

3. In view of the disputes having arisen between the parties, each of the petitioners, invoking the arbitration clause contained in the respective JDAs, issued a separate notice to the respondent under Section 21 of the Act. The dates of the respective notices and the corresponding

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HAREKOPPA THIMMANNA GOWDA

annexure particulars are as set out in the respective petitions. The arbitration clause contained in the respective JDAs, which is identically worded, reads as under:

> *"27.3) In the event of the parties being unable to resolve the dispute by conciliation as above or within such further time as the parties may mutually agree, the dispute may be referred by either party to arbitration by a panel of three arbitrators (one to be appointed by Party of First Part, the other by Party of Second Part and third by the two arbitrators) in accordance with the provisions of the Arbitration and Conciliation Act, 1996 and shall be decided by such Arbitral Tribunal. The award shall be final and binding on the parties.*
>
> *i) The arbitration will be held in Bangalore City.*
>
> *ii) The language of the arbitration proceedings will be in English*
>
> *The disputes shall be resolved in thirty working days of reference or within a reasonable period as may be agreed between the parties in writing. It is however clarified the work will not stop, pending the arbitration process."*

4. The respondent issued separate replies to the respective notices on different dates, as evidenced by the

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corresponding Annexures produced in the respective petitions. Being dissatisfied with the replies received, the petitioners have filed the present petitions seeking appointment of a Sole Arbitrator for adjudication of the disputes arising out of their respective JDAs.

5. The learned counsel for the petitioners submits that, though the arbitration clause contained in the respective JDAs provides for appointment of a panel of three arbitrators and the prayer in the petitions is also to that effect, having regard to the nature of the disputes, a common Sole Arbitrator may be appointed to adjudicate upon the disputes between the parties.

6. Notice issued by this Court has been duly served upon the respondent. However, there is no representation on behalf of the respondent.

7. Having regard to the existence of the arbitration clause contained in the JDAs, which provides for resolution

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of disputes arising between the parties, and the fact that the each of the petitioners have duly invoked the said arbitration clause by issuing notices under Section 21 of the Act, this Court is of the opinion that a common Sole Arbitrator is required to be appointed for adjudication of the disputes between the parties.

8. Accordingly, the following:

ORDER

a) Civil Miscellaneous Petitions are **allowed**.

b) Hon'ble Mr.Justice A.N.Venugopala Gowda, 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.

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HAREKOPPA THIMMANNA GOWDA

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 A.N.Venugopala Gowda.

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 18.12.2026 at 11:30 a.m.

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(H.T. NARENDRA PRASAD)
JUDGE

DM
List No.: 1 Sl No.: 57