HC-KAR

NC: 2026:KHC:62464
CMP No. 579 of 2024

CNR: KAHC010713402024

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. 579 OF 2024

BETWEEN:

1. SMT. VANI SESHADRI
   W/O DR. B V SESHADRI
   AGED ABOUT 61 YEARS.

2. SRI. VIVEK GAUTAM S
   S/O DR. B V SESHADRI
   AGED ABOUT 30 YEARS.

3. SRI. GAURAV SUSHRUT S
   S/O DRI. B V SESHADRI
   AGED ABOUT 24 YEARS

   ALL ARE R/AT NO.20
   'F' STREET CLEVELAND TOWN
   BANGALORE-560005.

   AND PRESENTLY R/AT
   NO. 487, GAM GOURAVADRI
   1A CROSS, 5TH MAIN ROAD
   BHARAT RATHNA JRD TATANAGAR
   BANGALORE-5600092.

...PETITIONERS

(BY SRI. HARIKRISHNA PRAMOD., ADVOCATE)

AND:

M/S FARAS BUILDERS (INDIA) PVT LTD.,
HAVING ITS REGISTERED OFFICE AT NO.30
G F1 'WELLINGTON PARK' NETAJI ROAD

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FRAZER TOWN, BANGALORE-560005.
REP. BY ITS MANAGING DIRECTOR
ABDUL SATTAR
S/O ABDUL SUBHAN
AGED ABOUT 57 YEARS
REGISTRED COMPANY UDNER
COMPANIES ACT 1956.

…RESPONDENT
(SERVICE OF NOTICE TO RESPONDENT IS HELD SUFFICIENT)

THIS CIVIL MISC. PETITION FILED UNDER SECTION 11(5) AND (6) OF ARBITRATION AND CONCILIATION ACT 1996., PRAYING TO APPOINT AN ARBITRATOR SRI. V.H. SAMBRANI, RETIRED DISTRICT AND SESSIONS JUDGE BANGALORE FOR ADJUDICATION OF THE DISPUTES BETWEEN THE PARTIES AS PER ARBITRATION CLAUSE IN ACCORDANCE WITH PARAGRAPH NO.38 OF PAGE NO.18 OF THE REGSITERED JOINT DEVELOPMENT AGREEMENT DATED 05.05.2018 AT ANNEXURE-A 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(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 parties under the Joint Development Agreement (for short

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'JDA') dated 05.05.2018, particularly in terms of Arbitration Clause-38 thereof, produced at Annexure-A.

2. The brief facts of the case are that the petitioners, being the owners of the petition schedule property, entered into a Joint Development Agreement dated 05.05.2018 (Annexure-A) with the respondent for development of the said property and construction of residential apartments thereon. However, despite the expiry of the stipulated period under the JDA, the respondent failed to undertake and complete the development of the property. Consequently, disputes arose between the parties in relation to the said JDA.

3. As the disputes arose between the parties, the petitioner, invoking the arbitration clause contained in the JDA, issued a notice dated 26.09.2024 vide Annexure-C, to the respondent under Section 21 of the Act. The said arbitration clause 38 reads as under:

> *"38. Any differences or disputes that may arise, with regard to the interpretation/s of this Indenture,*

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shall be amicably resolved between the parties hereto but in the event of being unable to reach some consensus in the matter, the Parties herein, shall refer the matter, to an Arbitrator, duly appointed for the purpose, jointly. The provisions of the Arbitration and Conciliation Act, 1996, shall govern such Arbitration proceedings."

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. Notice issued by this Court has been duly served upon the respondent. However, there is no representation on behalf of the respondent. Hence, service of notice to respondent is held sufficient vide order dated 05.11.2026.

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

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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.Shivappa Shantaveer, 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 learned Arbitrator.

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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 18.12.2026 at 11:30 a.m.

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(H.T. NARENDRA PRASAD)
JUDGE

DM
LIST NO.: 1 SL NO.: 18