HC-KAR
NC: 2026:KHC:59975-DB
WP No. 33234 of 2026
CNR: KAHC010733852026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF OCTOBER, 2026

PRESENT

THE HON'BLE MR. JUSTICE JAYANT BANERJI

AND

THE HON'BLE MRS. JUSTICE N.V.BHAVANI

WRIT PETITION NO.33234 OF 2026 (GM-RES)

BETWEEN:

M/S. TANVI ASSET HOLDINGS LLP,
INCORPORATED UNDER THE LIMITED LIABILITY
PARTNERSHIP ACT, 2008,
HAVING ITS OFFICE AT
2ND FLOOR, COMMERCIAL BLOCK,
WILASA GRAND VILLAMENTS, 12TH KILOMETRE,
DODDAKALLASANDRA, KANAKAPURA ROAD,
J.P. NAGAR ,9TH PHASE,
BANGALORE – 560 062.
REPRESENTED BY ITS DESIGNATED PARTNER,
MR. CHETAN G.R.
AGED ABOUT 53 YEARS.

...PETITIONER

Digitally signed by YASHODA K L
Location: HIGH COURT OF KARNATAKA

(BY SRI. SURAJ.S, ADVOCATE)

AND:

G. R. NATARAJ,
HINDU JOINT FAMILY,
REPRESENTED BY THE
1ST TO 6TH RESPONDENTS

1. MR. G.R. NATARAJ,
S/O. LATE G. RAJAIH SETTY,
AGED ABOUT 83 YEARS,
RESIDING AT WILASA GRAND VILLAMENTS,
APARTMENT NO. Z-001, DODDAKALLASANDRA,
12TH KILOMETRE,
KANAKAPURA ROAD,

J.P. NAGAR 9TH PHASE,
BANGALORE 560062.
KARTHA OF THE HUF.

2. MRS. SUNEETHA NATARAJ,
W/O. MR. G.R. NATARAJ,
AGED ABOUT 78 YEARS,
RESIDING AT WILASA GRAND VILLAMENTS,
APARTMENT NO. Z-001,
DODDAKALLASANDRA,
12TH KILOMETRE, KANAKAPURA ROAD,
J.P. NAGAR, 9TH PHASE,
BANGALORE – 560 062.
MEMBER OF THE HUF.

3. MR. CHETAN G.R.,
S/O. MR. G.R. NATARAJ,
AGED ABOUT 53 YEARS,
RESIDING AT WILASA GRAND VILLAMENTS,
APARTMENT NO. Z-401,
DODDAKALLASANDRA,
12TH KILOMETRE, KANAKAPURA ROAD,
J.P. NAGAR 9TH PHASE,
BANGALORE – 560 062.
COPARCENER IN THE HUF.

4. MR. CHARAN G.R.,
S/O. MR. G.R. NATARAJ,
AGED ABOUT 47 YEARS,
RESIDING AT WILASA GRAND VILLAMENTS,
APARTMENT NO. Z-404,
DODDAKALLASANDRA, 12TH KILOMETRE,
KANAKAPURA ROAD, J.P. NAGAR,
9TH PHASE, BANGALORE – 560 062.
NOW RESIDING AT TORONTO, CANADA.
COPARCENER IN THE HUF.

5. MR. SHARAN G.R.,
S/O. MR. G.R. NATARAJ,
AGED ABOUT 47 YEARS,
OFFICE AT REDD EXPERIENCE DESIGN,
1056, 7TH MAIN ROAD, 1ST CROSS,

HAL II STAGE, INDIRANAGAR,
BANGALORE – 560 038.
NOW RESIDING AT MADRID, SPAIN.
COPARCENER IN THE HUF.

6. MRS. VIDYA MALLIK,
D/O. MR. G.R. NATARAJ,
W/O. MR. RAHUL MALLIK,
AGED ABOUT 53 YEARS,
RESIDING AT 19040 PORTOS DRIVE,
SARATOGA, CALIFORNIA,
UNITED STATES OF AMERICA - 95070.
COPARCENER IN THE HUF.

7. SOLE LEARNED SUBSTITUTE ARBITRATOR
IN A.C. NO. 515/2023, ARBITRATION AND
CONCILIATION CENTRE,
BANGALORE (DOMESTIC AND INTERNATIONAL).

…RESPONDENTS

(BY SRI. SIDDHARTH SUMAN ADVOCATE FOR CR1, 2, 4, 5 & 6;
SMT. SANDYA SUSANNA BHASKAR, ADVOCATE FOR R3)

THIS WP IS FILED UNDER ARTICLE 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OR ANY OTHER WRIT, ORDER OR DIRECTION SETTING ASIDE THE ORDER DATED 29/09/2026 PASSED IN A.C. NO.515/2023 BY THE 7TH RESPONDENT (ANNEXURE-A) AND CONSEQUENTLY, DISMISS THE APPLICATION FILED ON 01/08/2025 BY THE 1ST, 2ND, 4TH AND 6TH RESPONDENTS UNDER ORDER VI RULE 17 OF THE CPC READ WITH SECTION 23(3) OF THE ARBITRATION AND CONCILIATION ACT, 1996 FOR AMENDMENT OF THEIR COUNTER CLAIM IN A.C. NO.515/2023 (ANNEXURE-P) AND ETC.,

THIS PETITION, COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE JAYANT BANERJI
AND
HON'BLE MRS. JUSTICE N.V.BHAVANI

CNR: KAHC010733852026

ORAL ORDER

(PER: HON'BLE MR. JUSTICE JAYANT BANERJI)

Heard learned counsel for the petitioner. The order dated 29.09.2026 passed in AC No.515/2023 is sought to be challenged in this petition whereby an amendment application has been allowed by the learned Arbitrator. The submission of the learned counsel for the petitioner is that by means of the application an amendment was sought to be made in the counter claim. It is stated that more than 60 sessions of the arbitration has been held and evidence of the parties have been lead and at this belated stage, the arbitral tribunal has proceeded to allow the application for amendment and perversity is writ large in the order.

2. We have perused the order and the reasons ascribed by the learned arbitral tribunal in allowing the application.

3. The learned arbitral tribunal has recorded detailed reasons and relying upon the judgment of the Supreme Court in ***Revajeetu Builders & Developers V. Narayanaswamy and others*** reported in **(2009) 10 SCC 84**, the amendment application has been allowed. It has been observed that the scope and the nature of suit remains the same inspite of the proposed amendments. The amendment with regard to third party claims was not in the knowledge of the respondent Nos.1, 2, 4 and 6 when they filed their defence and counter claim before the tribunal. The heads under which various claims are made have almost remained intact except to the extent of increasing the claims made under the various heads. The tribunal has further observed that taking into consideration the totality of the pleadings filed by the parties and the dual capacity of the respondent No.3 therein and the serious allegation made against the respondent No.3, who is a partner of the claimant Limited Liability Partnership for having acted in excess of the

authority given to him under the Facilitation Agreement and the Tripartite Agreement and the huge increase in the cost of project from Rs.75 Corers to Rs.130 Crores, the tribunal has expressed the opinion that the proposed amendments are bonafide and legitimate.

4. We see no perversity in the order of the tribunal as is claimed on behalf of the petitioners. That apart, if the petitioner is aggrieved by the order, it is for the petitioners, if so advised, to prefer their remedy under Section 34/Section 37 of the Arbitration and Conciliation Act, 1996, at the appropriate stage.

5. In the case of ***Nivedita Sharma v COAI***[1], the Supreme Court held that it is a settled law that when a statutory forum is created by law for redressal of grievances, a writ petition should not be entertained, ignoring statutory dispensation.

[1] (2011) 14 SCC 337

6. In the case of ***Deep Industries v. ONGC***[2] after considering the provisions of the Arbitration Act, it was held that though petitions can be filed under Article 227 of the Constitution against judgments allowing or dismissing first appeals, it was held as follows:

> *"16. Most significant of all is the non obstante clause contained in Section 5 which states that notwithstanding anything contained in any other law, in matters that arise under Part I of the Arbitration Act, no judicial authority shall intervene except where so provided in this Part. Section 37 grants a constricted right of first appeal against certain judgments and orders and no others. Further, the statutory mandate also provides for one bite at the cherry, and interdicts a second appeal being filed [see Section 37(2) of the Act].*
>
> *17. This being the case, there is no doubt whatsoever that if petitions were to be filed under Articles 226/227 of the Constitution against orders passed in appeals under Section 37, the entire arbitral process would be derailed and would not come to fruition for many years. At the same time, we cannot forget that Article 227 is a constitutional provision which remains untouched by the non obstante clause of Section 5 of the Act. In these circumstances, what is important to note is that though petitions can be filed under Article 227 against judgments allowing or dismissing first appeals under Section 37 of the Act, yet the High Court would be extremely circumspect in interfering with the same, taking into account the statutory policy as adumbrated by us hereinabove so that interference is restricted to orders that are passed which are patently lacking in inherent jurisdiction."*

[2] (2020) 15 SCC 706

7. In the case of ***Bhaven Construction v. Executive Engineer, Sardar Sarovar Narmada Nigam Ltd***[3]***.*** after noting the provisions of the Arbitration Act, and the judgments of the Supreme Court, it was observed that it is prudent for a judge to not exercise discretion to allow judicial interference beyond the procedure established under the enactment. This power needs to be exercised in exceptional rarity, wherein one party is left remediless under the statute or "bad faith" shown by one of the parties. This high standard set by this Court is in terms of the legislative intention to make the arbitration fair and efficient. The Supreme Court observed as follows:

> ***"21.*** *Viewed from a different perspective, the arbitral process is strictly conditioned upon time limitation and modelled on the "principle of unbreakability". This Court in P. Radha Bai v. P. Ashok Kumar (2019) 13 SCC 445 : (2018) 5 SCC (Civ) 773] observed : (SCC p. 459, paras 36-37)*
>
> *"36.3. Third, Section 34(3) reflects the principle of unbreakability. Dr Peter Binder in International Commercial Arbitration and Conciliation in UNCITRAL Model Law Jurisdictions, 2nd Edn., observed:*

[3] (2022) 1 SCC 75

> *'An application for setting aside an award can only be made during the three months following the date on which the party making the application has received the award. Only if a party has made a request for correction or interpretation of the award under Article 33 does the time-limit of three months begin after the tribunal has disposed of the request. This exception from the three month time-limit was subject to criticism in the working group due to fears that it could be used as a delaying tactics. However, although "an unbreakable time-limit for applications for setting aside" was sought as being desirable for the sake of "certainty and expediency" the prevailing view was that the words ought to be retained "since they presented the reasonable consequence of Article 33.'*

> *According to this "unbreakability" of time-limit and true to the "certainty and expediency" of the arbitral awards, any grounds for setting aside the award that emerge after the three month time-limit has expired cannot be raised.*
>
> *37. Extending Section 17 of the Limitation Act would go contrary to the principle of "unbreakability" enshrined under Section 34(3) of the Arbitration Act."*
>
> *If the courts are allowed to interfere with the arbitral process beyond the ambit of the enactment, then the efficiency of the process will be diminished."*

8. In view of the aforesaid, and given the remedy of the petitioners under the provisions of Sections 34 and 37 of the Arbitration and Conciliation Act, 1996, we do not

find that this is a fit case for interference under Article 227 of the Constitution. This petition is accordingly ***dismissed***.

9. Learned counsel for the petitioner seeks leave of the court to challenge this order before the Supreme Court. Under the facts and circumstances of the case, we decline to grant leave.

10. This order has been passed in the presence of Sri.Siddharth Suman, learned counsel appearing for the Caveator/respondent Nos.1, 2, 4, 5 and 6 and Smt.Sandhya Susanna Bhaskar, learned counsel appearing for the respondent No.3.

SD/-
(JAYANT BANERJI)
JUDGE

SD/-
(N.V.BHAVANI)
JUDGE

DR
List No.: 4 Sl No.: 1