



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF FEBRUARY, 2025

BEFORE

THE HON'BLE MR JUSTICE SACHIN SHANKAR MAGADUM

CIVIL MISC. PETITION NO. 222 OF 2024

BETWEEN:

1. M/S RAO CONSTRUCTIONS
AT MF 2/2, B.D.A. BUILDINGS
BANNERGHATTA ROAD
BANGALORE-560 076.
REPRESENTED BY ITS MANAGING PARTNER
SRI. C.RAJESH BABU

...PETITIONER

(BY SRI. DWARAKA NATH .H.S, ADVOCATE)

AND:

1. GOVERNMENT OF KARNATAKA
KARNATAKA PUBLIC WORKS DEPARTMENT
(PORTS & INLAND WATER TRANSPORT
DEPARTMENT), 3RD FLOOR
VIKASA SOUDHA, BANGALORE-560 001.
REPRESENTED BY ITS SECRETARY
2. THE SECRETARY
KARNATAKA PUBLIC WORKS DEPARTMENT
(PORTS & INLAND WATER TRANSPORT
DEPARTMENT), VIKASA SOUDHA
BANGALORE-560 001.
3. THE CHIEF ENGINEER
KARNATAKA PUBLIC WORKS DEPARTMENT
(PORTS & INLAND WATER TRANSPORT
DEPARTMENT)
OFFICE OF THE CHIEF ENGINEER
SHIVAMOGA.





4. THE SUPERINTENDENT ENGINEER
KARNATAKA PUBLIC WORKS DEPARTMENT
(PORTS & INLAND WATER TRANSPORT
DEPARTMENT), SHIVAMOGA.
5. THE EXECUTIVE ENGINEER
KARNATAKA PUBLIC WORKS DEPARTMENT
(PORTS & INLAND WATER TRANSPORT
DEPARTMENT), SPECIAL DIVISION
SHIVAMOGA.

...RESPONDENTS

(BY SRI. HANUMANTHARAYA LAGALI, AGA)

THIS CMP IS FILED UNDER SECTION 11(6) OF THE ARBITRATION AND CONCILIATION ACT, 1996 R/W RULE 2 OF SCHEME FOR APPOINTMENT OF ARBITRATOR BY KARNATAKA HIGH COURT, PRAYING TO APPOINT THE ARBITRATOR SUGGESTED BY THE PETITIONER OR ANY OTHER SUITABLE PERSON AS THE SOLE ARBITRATOR OR ALTERNATIVELY THIS COURT MAY APPOINT ANY OF THE ARBITRATOR FROM THE ORGANIZATION MENTIONED IN THE AGREEMENT VIDE ANNEXURE-B DATED 09/09/2015 AND THE WORK ORDER AT CLAUSE NO.4 VIDE ANNEXURE-A FOR SUCH OTHER ORDERS DIRECTIONS ETC.

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

CORAM: HON'BLE MR JUSTICE SACHIN SHANKAR MAGADUM



ORAL ORDER

This Civil Miscellaneous Petition is filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 (for short 'the Act') seeking appointment of sole Arbitrator to resolve the dispute and difference between the parties in terms of tender notification and contract agreement evidenced at Annexures-A and B.

2. The respondent/State is represented by learned AGA.

3. The petitioner contends that pursuant to a tender floated by the respondent, it was declared the successful bidder and was consequently issued a work order. Upon completing the assigned work, the petitioner claims to have executed work amounting to Rs.480.23 lakhs. However, despite repeated requests, the respondents have failed to clear the outstanding balance of Rs.33,98,060/-.



4. The petitioner further asserts that multiple letters were sent to the respondents/authorities, who acknowledged the pending dues but failed to make the payment. Consequently, the petitioner issued a notice under Section 21 of the Arbitration and Conciliation Act, invoking the arbitration clause.

5. The respondents/authorities have acknowledged the existence of the arbitration clause, as evidenced by several correspondences directing the relevant department to process the final bill payments.

6. Upon a detailed examination of the annexures annexed to the civil miscellaneous petition, along with the respondents' stance in their reply notice, this Court finds that the existence of an arbitration clause is duly established. The petitioner has successfully demonstrated compliance with the requirements of Section 11(4) of the Arbitration and Conciliation Act.



7. Although the designated place of arbitration is Shivamogga, learned counsel for the petitioner and the learned AGA representing the respondents, upon instructions, have jointly requested that the matter be referred to the Arbitration Centre at Bengaluru.

8. In the light of the aforesaid clause of arbitration and the contentions advanced by the petitioner and respondents, this Court proceeds to pass the following:

ORDER

(i) Civil Miscellaneous Petition is allowed appointing Sri. Veeranna G.Tigadi, Retired District Judge, as the sole Arbitrator to enter reference of the disputes between the petitioner and the respondents and conduct proceeding at the Arbitration and Conciliation Centre (Domestic and International), Bengaluru according to the Rules governing the said Arbitration Centre;

(ii) All contentions inter se parties are left open for adjudication in the arbitration proceedings;



(iii) Office is directed to communicate this order to the Arbitration and Conciliation Centre and to Sri. Veeranna G.Tigadi, Retired District Judge, as required under the Arbitration and Conciliation Centre Rules, 2012.

**SD/-
(SACHIN SHANKAR MAGADUM)
JUDGE**

CA
List No.: 3 Sl No.: 11