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Mr. Ravish Gowda vs M/S.Technoart Constructions Pvt. Ltd.,

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Court : Karnataka

Decided On : Apr-27-2026

Judge : Sachin Shankar Magadum

Appeal No. : WP/21390/2025

Appellant : Mr. Ravish Gowda

Respondent : M/S.Technoart Constructions Pvt. Ltd.,

Judgement :

-1-

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 27TH DAY OF APRIL, 2026 BEFORE THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM WRIT PETITION NO. 21390 OF 2025 (GM-RES) BETWEEN:

1. MR. RAVISH GOWDA

S/O HANUMEGOWDA AGED ABOUT 55 YEARS R/AT FLAT NO.T1 - 2B, SNN CLARMONT APARTMENT TOWER T-1, 2ND FLOOR, NAGAVARA VILLAGE, BANGALORE - 560 045. PETITIONER (BY SMT. SUSHEELA S, SENIOR COUNSEL FOR SRI. AKASH V T (NOC),

ADVOCATE) AND: Digitally signed by 1. M/S.TECHNOART CONSTRUCTIONS PVT. LTD., NAGARAJA B M Location: HIGH A PRIVATE LIMITED COMPANY COURT OF KARNATAKA HAVING ITS REGISTERED OFFICE AT NO.68/A, 3RD FLOOR, 32ND CROSS 7TH BLOCK, JAYANAGAR BANGALORE - 560 070. REP. BY ITS DIRECTOR SRI.M.S.NAGARAJA RAO RESPONDENT (BY SRI. SRINIVAS S V, ADVOCATE FOR R1) THIS WP IS FILED UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA PRAYING TO CALL FOR THE ENTIRE -2- RECORDS ON THE FILE OF ARBITRATION CENTER IN AC NO. 01.07.2025 PASSED ON IA FILED UNDER ORDER XI, RULE 14 OF IPC IN AC 509/22 AT ANNEXURE -L AND CONSEQUENTLY TO REJECT THE APPLICATION AND ETC., THIS PETITION, COMING ON FOR DICTATING ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER: CORAM: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

ORAL ORDER

The captioned petition is filed calling in question the legality and correctness of the order passed by the learned Sole Arbitrator, whereby an application filed by the respondent under Order XI Rule 14 of the Code of Civil Procedure, 1908, seeking production of original documents, has been allowed, and the petitioner has been directed to produce the original bills.

2. The petitioner claims to be the absolute owner of property bearing Site No.19/117 situated at Mahalakshmipuram, Bengaluru. With an intention to commercially develop the said property, the petitioner invited tenders for construction. The respondent, a -3- contractor, participated in the tender process and was ultimately awarded the contract. Consequently, a construction agreement dated 20.05.2013 came to be executed between the parties. The total contract value was fixed at Rs.8,11,28,371/- inclusive of statutory components such as ESI, PF, VAT and service tax, but exclusive of reinforcement steel.

3. It is the case of the petitioner that though the

construction work commenced pursuant to the agreement, the execution was inordinately delayed and extended up to the year 2015. The petitioner alleges that the work carried out by the respondent was not in conformity with contractual standards and was unsatisfactory. During the course of execution, running account (RA) bills were periodically generated.

4. Disputes having arisen between the parties, the respondent invoked the arbitration clause contained in the agreement and initiated arbitral proceedings, claiming a -4-

sum of Rs.2,40,78,446/- from the petitioner. The petitioner entered appearance before the Arbitral Tribunal and filed its statement of objections resisting the claim.

5. The arbitral proceedings have progressed to the

stage of evidence. At this juncture, the respondent/claimant filed an application under Order XI Rule 14 CPC seeking production of original bills from the petitioner. The petitioner resisted the said application contending that the originals are in fact in the custody of the respondent and that the documents already marked, particularly Ex.P-55, sufficiently represent the bills relied upon by the claimant.

6. The learned Arbitrator, upon consideration of the rival contentions, allowed the application and directed the petitioner to produce the original bills. Being aggrieved by the said interlocutory order, the petitioner has approached this Court under Articles 226 and 227 of the Constitution of India. -5-

7. Learned counsel for the petitioner would

vehemently contend that the impugned order suffers from patent illegality inasmuch as the Arbitrator has failed to appreciate that the original bills are admittedly in the custody of the respondent. He would further contend that Ex.P-55, which has already been marked in evidence, represents the relevant bills and has been acted upon by both parties. It is also contended that the oral evidence on record clearly demonstrates that the respondent was in possession of the original documents.

8. Per contra, learned counsel for the respondent

would submit that the writ petition itself is not maintainable in view of the settled principles governing interference by High Courts in arbitral proceedings. He would contend that the impugned order is purely interlocutory in nature and does not suffer from any jurisdictional error warranting interference. -6-

9. Having heard learned counsel on both sides, the sole point that arises for consideration is:

"Whether this Court, in exercise of its supervisory jurisdiction under Articles 226 and 227 of the Constitution of India, can interfere with an interlocutory order passed by the Arbitral Tribunal directing production of documents under Order XI Rule 14 CPC?" Finding on the above point:

10. The law relating to judicial interference in

arbitral proceedings is no longer res integra. The Honble Apex Court in SBP & Co. v. Patel Engineering Ltd.1 has categorically held that once the arbitral process has commenced, parties must ordinarily await the final award and cannot challenge every interlocutory order before the High Court. The Hon'ble Supreme Court has emphasized that such interference would defeat the very object of the

(2005) 8 SCC 618 -7- Arbitration and Conciliation Act, 1996, which is to minimize judicial intervention.

11. The said principle has been consistently reiterated in Deep Industries Ltd. v. Oil and Natural Gas Corporation Ltd.2, wherein the Hon'ble Apex Court

held that though jurisdiction under Article 227 is not

completely barred, the High Court must exercise extreme restraint and interfere only in cases where the order is patently lacking inherent jurisdiction.

12. More recently, in Serasoft Solutions Pvt. Ltd.

v. Dexter Capital Advisors Pvt. Ltd.3, the Honb'le Apex Court has crystallized the principles by holding that interference is permissible only in cases of exceptional rarity, such as when the order is ex facie perverse or tainted by bad faith. The Court has cautioned that excessive judicial interference would erode the efficiency and efficacy of the arbitral process.

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13. Thus, the consistent judicial dictum is that

interlocutory orders passed by arbitral tribunals are not to be lightly interfered with, unless such orders suffer from patent lack of jurisdiction or manifest perversity.

14. On perusal of the material on record, it is

evident that the dispute pertains to production of original bills forming part of the evidentiary matrix before the Arbitral Tribunal. The petitioners contention that the originals are in possession of the respondent is essentially a disputed question of fact.

15. The cross-examination of RW-2 indicates that,

in the ordinary course, original documents are handed over to the owner, though sometimes to the contractor. Significantly, RW-2 has stated that the originals were handed over to the owner. This piece of evidence, prima facie, supports the respondents plea that the petitioner may be in possession of the original documents.

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16. Further, the cross-examination of PW-1 reveals that the final bill and supporting documents, including measurement books and RA bills, were prepared at the site and thereafter furnished in hard copy to the respondent for verification. However, PW-1 has expressed inability to confirm whether acknowledgment was obtained. This creates an evidentiary ambiguity as to the custody of original documents.

17. In this backdrop, the learned Arbitrator, who is

the master of the proceedings and the fact-finding authority, has exercised discretion in directing production of original documents to arrive at a just adjudication. Such an order is purely procedural and intended to facilitate proper appreciation of evidence.

18. This Court is of the considered view that the impugned order does not suffer from any jurisdictional error, perversity, or manifest illegality. The direction to produce documents cannot be construed as an - 10 - adjudication of substantive rights, but is only a step in aid of effective adjudication.

19. Entertaining challenges to such interlocutory

orders would open floodgates of litigation and derail arbitral proceedings, which is precisely what the Honble Apex Court has cautioned against in the judgments referred to supra.

20. The petitioner has an efficacious remedy under Section 34 of the Arbitration and Conciliation Act, 1996, to challenge the final award, including any grievance arising out of interlocutory orders.

21. In view of the settled principles laid down by

the Honble Apex Court and having regard to the nature of the impugned order, this Court finds no grounds to exercise its extraordinary jurisdiction under Articles 226 and 227 of the Constitution of India. Accordingly, the point formulated above is answered in the Negative. - 11 -

22. For the foregoing reasons, this Court proceeds to pass the following:

ORDER

(i) The writ petition stands dismissed.

(ii) The impugned order date 01.07.2025 passed by the learned Arbitrator allowing the application under Order XI Rule 14 CPC is affirmed.

(iii) All contentions of the parties on merits are left open to be urged before the Arbitral Tribunal.

(iv) The Arbitral Tribunal is requested to expedite the proceedings and conclude the same within an outer limit, in accordance with law. SD/- (SACHIN SHANKAR MAGADUM) JUDGE CA List No.: 1 Sl No.: 93

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