

M/S Biltech Building Elements Ltd vs M/S Deeta Constructions Pvt Ltd

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Court : Karnataka Orders

Decided On : Dec-01-2025

Judge : E.S.Indiresh

Appeal No. : CMP/571/2024

Appellant : M/S Biltech Building Elements Ltd

Respondent : M/S Deeta Constructions Pvt Ltd

Judgement :

-1-

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 01ST DAY OF DECEMBER, 2025

BEFORE THE HON'BLE MR. JUSTICE E.S. INDIRESH CIVIL MISCELLANEOUS PETITION NO.571 OF 2024 BETWEEN: M/S BILTECH BUILDING ELEMENTS LTD., NEW SCHOOL BUILDING, 1, OFFICER'S CLUB ROAD, BILT COLONY, KARWAR - 581 307. ALSO AT: VASANTHNARSAPURA INDUSTRIAL AREA, NAGENAHALLI VILLAGE, KORA HOBLI, TUMAKURU TALUK, TUMAKURU DISTRICT - 572 101. REP. BY ITS AUTHORISED SIGNATORY MR. R.K. MANDAL,

AGED ABOUT 57 YEARS. PETITIONER (BY SMT. PRAGATHI A.V.,
ADVOCATE FOR SRI. KESHAV M. DATAR, ADVOCATE)

AND:

1. M/S DEETA CONSTRUCTIONS PVT. LTD.,

Digitally signed by MANTRI HOUSE, NO.41, ARUNKUMAR M S
Location: HIGH VITTAL MALLAYA ROAD, COURT OF BENGALURU -
560 001. KARNATAKA REP. BY ITS MANAGING DIRECTOR MR.
SUSHIL MANTRI.

2. M/S MANTRI DEVELOPERS PVT. LTD.,

MANTRI HOUSE, NO.41, VITTAL MALLAYA ROAD, BENGALURU -
560 001. REP. BY ITS MANAGING DIRECTOR MR. SUSHIL MANTRI.
RESPONDENTS (BY SMT. JAITHRA J. NARAYAN, ADVOCATE) -2-
THIS CIVIL MISCELLANEOUS PETITION IS FILED UNDER

SECTION 11(5) OF THE ARBITRATION AND CONCILIATION ACT,
1996 PRAYING TO APPOINT A SOLE ARBITRATOR TO ADJUDICATE
THE DISPUTE BETWEEN THE PETITIONER AND RESPONDENTS IN
ACCORDANCE WITH THE CLAUSE 20.6 OF PART-1 GENERAL
CONDITIONS OF CONTRACT IN AGREEMENT DATED 18TH JULY,
2012 VIDE ANNEXURE-B AND WORK ORDERS PRODUCED AT
ANNEXURES 'C1' TO 'C4' AND PASS SUCH OTHER ORDERS AS
THIS HON'BLE COURT DEEMS FIT IN THE INTEREST OF JUSTICE
AND EQUITY.

THIS PETITION, COMING ON FOR ADMISSION, THIS DAY,

ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE E.S. INDIRESH

ORAL ORDER

In this petition, the petitioner is seeking an appointment of sole Arbitrator to adjudicate the Dispute between the petitioner and respondents in terms of Clause 20.6 of Part-1 General Conditions of Contract in Agreement dated 18th July, 2012 (Annexure-B).

2. Heard Smt. Pragathi A.V., learned counsel on behalf of Sri. Keshav M. Datar, appearing for the petitioner and Smt. Jaithra J. Narayan, learned counsel appearing for respondents.

3. Smt. Jaithra J. Narayan, learned counsel appearing

for respondents submitted that the claim made by the petitioner cannot be accepted as the same is barred by limitation and that apart, the provision contained under Clause -3- 20.6 provides for approaching the Dispute Adjudication Board

(DAB) by the parties and therefore, the petition is premature. Accordingly, she sought for dismissal of the petition filed for appointment of sole Arbitrator.

4. Smt. Pragathi A.V., learned counsel appearing for

the petitioner refers to the Notice dated 03rd August, 2024 (Annexure-M) and submits that the petitioner has sent legal notice to the respondents, however, the same was not replied by the respondents and that apart, the petitioner was approaching respondents for settlement of dues regularly. Accordingly, she sought for appointment of Arbitrator for resolving the dispute between the parties.

5. Having taken note of the submission made by

learned counsel appearing for the parties and on perusal of the petition, the same would indicate that the petitioner is seeking for satisfaction of its claim as per letter dated 05th August, 2015 (Annexure-E) and that apart, the exchange of e-Mails produced in the petition would indicate that the petitioner is constantly approaching the respondents for resolution of the dispute. Therefore, taking into consideration the fact that the -4- Notice dated 03rd August, 2024 (Annexure-M) has been issued to the respondents, for which the respondents have not replied, I am of the

view that, there is a necessity of appointment of Arbitrator to resolve the dispute between the parties. Taking into consideration the question pertaining to the limitation is a mixed question of fact and further as the exchange of e-mails iproduced in the petition, the same requires an enquiry in the matter.

6. Therefore, Sri. H.R. Srinivas, District Judge

(Retired) is appointed to act as a Sole Arbitrator in the Arbitration and Conciliation Centre (Domestic & International), Bengaluru as per the extent Rules. In order to avoid further delay in the matter, parties are directed to appear before the Arbitration and Conciliation Centre (Domestic and International), Bengaluru on 05th January, 2026 at 11.00 a.m.

7. All claims and contentions of the parties are kept open to be decided by the Arbitral Tribunal.

8. A copy of this order be sent forthwith to the Arbitration and Conciliation Centre (Domestic and -5- International), Khanija Bhavan, Bengaluru for proceeding further in the matter.

9. Registry is directed to return the original documents

if any, produced by the parties, after obtaining photostat copy of the same for the file. Accordingly, Civil Miscellaneous Petition is disposed of. Sd/- (E.S. INDIRESH)
JUDGE ARK List No.: 1 SI No.: 14

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