



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 25TH DAY OF FEBRUARY, 2026

PRESENT

THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE

AND

THE HON'BLE MR. JUSTICE C.M. POONACHA

COMMERCIAL APPEAL NO. 95 OF 2026

BETWEEN:

PLIVO INDIA PVT LTD
(FORMERLY KNOWN AS PLIVO
COMMUNICATIONS PVT. LTD.)
7TH FLOOR, INDIQUBE ECO WORLD,
CAMPUS 32, RMZ ECOWORLD,
BHOGANAHALLI VILLAGE,
VARTHUR HOBLI, BELLANDUR,
BENGALURU
REPRESENTED BY ITS AUTHORIZED
REPRESENTATIVE,
MR. KSHITIJ SHARMA

...APPELLANT

(BY SRI. PRADEEP NAYAK, ADVOCATE)

AND:

MR ARVIND ESHWARLAL
RESIDING AT 106,
RAHEJA MANSION,
13 MILTON STREET, COOKE TOWN,
BENGALURU - 560005

...RESPONDENT

(BY SRI. SHODHAN BABU A M, ADVOCATE FOR C/R)





THIS COMAP IS FILED UNDER SECTION 13 (1A) OF THE COMMERCIAL COURTS ACT, 2015 R/W SECTION 37(1) (b) OF THE ARBITRATION AND CONCILIATION ACT, 1996 AND ORDER XLIII RULE 1(r) OF THE CODE OF CIVIL PROCEDURE, 1908 PRAYING TO SET ASIDE THE ORDER DATED 24.01.2026, PASSED BY THE LD.LXXXIV ADDITIONAL CITY CIVIL AND SESSIONS JUDGE, COMMERCIAL COURT AT BENGALURU (CCH-85), PASSED IN COMMERCIAL ARBITRATION APPLICATION NO.202 OF 2025, PRODUCED AT ANNEXURE - A.

THIS APPEAL, COMING ON FOR ADMISSION, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE
and
HON'BLE MR. JUSTICE C.M. POONACHA

ORAL JUDGMENT

(PER: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE)

1. The appellant has filed the present appeal under Section 37(1)(b) of the Arbitration and Conciliation Act, 1996 [the **A&C Act**] impugning an order dated 24.01.2026 [**impugned order**] passed by the learned LXXXIV Additional City Civil and Sessions Judge, Commercial Court, Bengaluru, (CCH-85) [**Commercial Court**] in Com.A.A.No.202/2025 captioned '**Plivo India Pvt.Ltd., v. Mr.Arvind Eshwarlal and Another**'.

2. The appellant had filed the said petition seeking interim measures of protection under Section 9 of the A&C Act. The



appellant had sought an order restraining respondent No.1 or any person acting through it including its agents, employers, servants, contractors or anybody claiming under or through it from utilizing or disclosing any of the confidential information pertaining to the appellant Company.

3. The learned Commercial Court had rejected the said petition on the ground that the arbitral tribunal had rejected the claim made by the appellant by an arbitral award dated 24.12.2024. The learned Commercial Court had also concluded that in the given facts, the petition for interim measures of protection after the appellant had been unsuccessful in the arbitral proceedings was not maintainable.

4. We note that the arbitral tribunal had rejected the appellant's claims on the ground that they were barred by limitation and not on merits.

5. By a separate order passed today in COMAP No.96/2026, this Court has set aside the impugned award and has granted liberty to the parties to commence the arbitral proceedings afresh. In this view, the appellant's application under Section 9 of the A&C



Act, would have to be examined afresh, particularly, in the context where the appellant's claims were not rejected on merits.

6. We accordingly, set aside the impugned order and remand the matter to the learned Commercial Court for consideration afresh.

7. We also grant liberty to the appellant to amend the petition, which may be necessary, to incorporate the subsequent developments.

8. The parties shall appear before the learned Commercial Court on 09.03.2026.

9. In the meanwhile, learned counsel for respondent No.1 undertakes that respondent No.1 shall not disclose any confidential information pertaining to the appellant company.

**Sd/-
(VIBHU BAKHRU)
CHIEF JUSTICE**

**Sd/-
(C.M. POONACHA)
JUDGE**