



NC: 2026:KHC:17305
CMP No. 464 of 2025
C/W CMP No. 462 of 2025
CMP No. 463 of 2025
AND 6 OTHERS

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 26TH DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE E.S.INDIRESH

CIVIL MISC. PETITION NO.464 OF 2025

C/W

CIVIL MISC. PETITIONS NO.462 OF 2025

463 OF 2025, 466 OF 2025, 512 OF 2025,

513 OF 2025, 515 OF 2025, 517 OF 2025 &

518 OF 2025

IN CMP No. 464/2025

BETWEEN:

1. PRABHA CHALAMALA
REPRESENTED THROUGH HER
GPA HOLDER G. BUJJAMMA,
W/O NARAYANA REDDY,
AGED ABOUT 73 YEARS,
R/AT NO.42, 5TH CROSS, K.T. ROAD,
T. DASARAHALLI,
BENGALURU - 560 057.

...PETITIONER

(BY SRI. RAHUL DEV, ADVOCATE FOR
SRI. JAVED AKTHAR SHAIK AND
SRI. D.V.S. ARDHAN REDDY, ADVOCATES)

AND:

1. M/S KENT PROJECTS PRIVATE LIMITED
A COMPANY INCORPORATED UNDER THE
COMPANIES ACT, 1956,
REPRESENTED BY ITS AUTHORIZED SIGNATORY,



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MR. NIKHIL R. SHAH,
AGED ABOUT 53 YEARS,
S/O R.R. SHAH,
HAVING ITS REGISTERED OFFICE AT
316/9, RADHESHYAM NIWAS, JAWAHAR NAGAR,
GOREGAON (WEST),
MUMBAI - 400 064.
EMAIL: nikhanchor@gmail.com

...RESPONDENT

(BY SMT. DEEKSHA N. AMRUTHESH, ADVOCATE)

THIS CMP IS FILED UNDER SECTION 11(5) AND 11(6)
OF THE ARBITRATION AND CONCILIATION ACT, 1996.,
PRAYING TO APPOINT AN ARBITRATOR ON BEHALF OF THE
RESPONDENT FOR ADJUDICATION OF THE DISPUTES BETWEEN
THE PARTIES ARISING OUT OF THE JDA DATED 30.07.2015 AS
STATED IN CLAUSE 27 OF ANNEXURE - A; ALTERNATIVELY,
APPOINT A SOLE ARBITRATOR TO ADJUDICATE THE DISPUTES
BETWEEN THE PARTIES ARISING OUT OF THE JDA DATED
30.07.2015, AS STATED IN CLAUSE 27 OF ANNEXURE - A.

IN CMP NO. 462/2025

BETWEEN:

T. NARAYANA
S/O LATE PULLAIAH,
AGED ABOUT 67 YEARS,
R/AT NO. 54, 4TH CROSS,
K.T. ROAD, T. DASARAHALLI,
BANGALORE 560 057

...PETITIONER

(BY SRI. RAHUL DEV, ADVOCATE FOR



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SRI. JAVED AKTHAR SHAIK AND
SRI. D.V.S. ARDHAN REDDY, ADVOCATES)

AND:

1. M/S KENT PROJECTS PRIVATE LIMITED
A COMPANY INCORPORATED UNDER THE
COMPANIES ACT, 1956,
REPRESENTED BY ITS AUTHORIZED SIGNATORY,
MR. NIKHIL R. SHAH,
AGED ABOUT 53 YEARS,
S/O R.R. SHAH, HAVING ITS
REGISTERED OFFICE AT
316/9, RADHESHYAM NIWAS,
JAWAHAR NAGAR, GOREGAON (WEST),
MUMBAI - 400 064
EMAIL nikhilanchor@gmail.com

...RESPONDENT

(BY SMT. DEEKSHA N. AMRUTHESH, ADVOCATE)

THIS CMP IS FILED UNDER SECTION 11(5) AND 11(6) OF THE ARBITRATION AND CONCILIATION ACT, 1996, PRAYING TO APPOINT AN ARBITRATOR ON BEHALF OF THE RESPONDENT FOR ADJUDICATION OF THE DISPUTES BETWEEN THE PARTIES ARISING OUT OF THE JDA DATED 30.07.2015 AS STATED IN CLAUSE 27 OF ANNEXURE - A; ALTERNATIVELY, APPOINT A SOLE ARBITRATOR TO ADJUDICATE THE DISPUTES BETWEEN THE PARTIES ARISING OUT OF THE JDA DATED 30.07.2015, AS STATED IN CLAUSE 27 OF ANNEXURE - A.



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IN CMP NO. 463/2025

BETWEEN:

1. SMT. G. BUJJAMMA
W/O LATE G. NARAYANA REDDY
AGED ABOUT 72 YEARS
R/AT NO. 42, 5TH CROSS
K T ROAD, T. DASARAHALLI
BENGALURU 560 057

...PETITIONER

(BY SRI. RAHUL DEV, ADVOCATE FOR
SRI. JAVED AKTHAR SHAIK AND
SRI. D.V.S. ARDHAN REDDY, ADVOCATES)

AND:

1. M/S KENT PROJECTS PRIVATE LIMITED
A COMPANY INCORPORATED UNDER THE
COMPANIES ACT, 1956,
REPRESENTED BY ITS AUTHORIZED SIGNATORY,
MR. NIKHIL R. SHAH,
AGED ABOUT 53 YEARS,
S/O R.R. SHAH, HAVING ITS
REGISTERED OFFICE AT
316/9, RADHESHYAM NIWAS,
JAWAHAR NAGAR, GOREGAON (WEST),
MUMBAI - 400 064
EMAIL nikhilanchor@gmail.com

...RESPONDENT

(BY SMT. DEEKSHA N. AMRUTHESH, ADVOCATE)

THIS CMP IS FILED UNDER SECTION 11(5) AND
11(6) OF THE ARBITRATION AND CONCILIATION ACT,
1996., PRAYING TO APPOINT AN ARBITRATOR ON BEHALF



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OF THE RESPONDENT FOR ADJUDICATION OF THE DISPUTES BETWEEN THE PARTIES ARISING OUT OF THE JDA DATED 30.07.2015 AS STATED IN CLAUSE 27 OF ANNEXURE - A; ALTERNATIVELY, APPOINT A SOLE ARBITRATOR TO ADJUDICATE THE DISPUTES BETWEEN THE PARTIES ARISING OUT OF THE JDA DATED 30.07.2015, AS STATED IN CLAUSE 27 OF ANNEXURE - A.

IN CMP NO. 466/2025

BETWEEN:

1. CHALAMALA BABU REDDY
REPRESENTED THROUGH HIS GPA HOLDER
G. BUJJAMMA,
W/O LATE G. NARAYANA REDDY,
AGED ABOUT 71 YEARS,
R/AT NO. 42, 5TH CROSS,
K.T. ROAD, T. DASARAHALLI,
BENGALURU - 560 057.

...PETITIONER

(BY SRI. RAHUL DEV, ADVOCATE FOR
SRI. JAVED AKTHAR SHAIK AND
SRI. D.V.S. ARDHAN REDDY, ADVOCATES)

AND:

1. M/S KENT PROJECTS PRIVATE LIMITED
A COMPANY INCORPORATED UNDER THE
COMPANIES ACT, 1956,
REPRESENTED BY ITS AUTHORIZED SIGNATORY,
MR. NIKHIL R. SHAH,
AGED ABOUT 53 YEARS,



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S/O R.R. SHAH, HAVING ITS
REGISTERED OFFICE AT
316/9, RADHESHYAM NIWAS,
JAWAHAR NAGAR, GOREGAON (WEST),
MUMBAI - 400 064
EMAIL nikhilanchor@gmail.com.

...RESPONDENT

(BY SMT. DEEKSHA N AMRUTHESH.,ADVOCATE)

THIS CMP IS FILED UNDER SECTION 11(5) AND 11(6)
OF THE ARBITRATION AND CONCILIATION ACT, 1996.,
PRAYING TO APPOINT AN ARBITRATOR ON BEHALF OF
THE RESPONDENT FOR ADJUDICATION OF THE DISPUTES
BETWEEN THE PARTIES ARISING OUT OF THE JDA DATED
30.07.2015 AS STATED IN CLAUSE 27 OF ANNEXURE - A;
ALTERNATIVELY, APPOINT A SOLE ARBITRATOR TO
ADJUDICATE THE DISPUTES BETWEEN THE PARTIES
ARISING OUT OF THE JDA DATED 30.07.2015, AS STATED
IN CLAUSE 27 OF ANNEXURE - A.

IN CMP NO. 512/2025

BETWEEN:

1. SMT. DASAM AMMANA RAJA
W/O. SRI. DASAM VENKANNA,
AGED ABOUT 69 YEARS,
R/AT NO.56, THE BOULVERD APARTMENT,
3RD FLOOR, 3RD MAIN ROAD,
4TH CROSS, RMV 2ND STAGE,



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DOLLARS COLONY,
BENGALURU-560 094.

...PETITIONER

(BY SRI. NATARAJA H.T., ADVOCATE)

AND:

1. M/S KENT PROJECT PVT LTD.,
A PRIVATE LIMITED COMPANY,
REGISTERED UNDER THE COMPANIES ACT, 1956,
HAVING REGISTER OFFICE AT
JAWAHAR NAGAR, GOREGAON (WEST)
316/9, RADHESHYAMNIWAS,
MUMBAI-400064.
REPRESENTED BY ITS DIRECTOR,
MR. NIKHIL R. SHAH
AND ALSO AT 43, MEDAVAKKAM TANK ROAD,
KILPAUK,
CHENNAI - 600 010,
REPRESENTED BY ITS DIRECTOR.

2. MR. NIKHIL R. SHAH
DIRECTOR, OF
M/S. KENT PROJECT PVT. LTD.,
OFFICE AT: 316/9,
RADHESHYAMNIWAS,
JAWAHAR NAGAR, GOREGAON (WEST)
MUMBAI-400064.

...RESPONDENTS

(BY SMT. DEEKSHA N AMRUTHESH, ADVOCATE)

THIS CMP IS FILED UNDER SECTION 11(5) OF THE
ARBITRATION AND CONCILIATION ACT, 1996, PRAYING TO
APPOINT AN ARBITRATOR FOR ADJUDICATION OF THE



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DISPUTES BETWEEN THE PARTIES ARISING OUT OF THE JDA DATED 30.07.2015 ALTERNATIVELY, APPOINT A SOLE ARBITRATOR TO ADJUDICATE THE DISPUTES BETWEEN THE PARTIES ARISING OUT OF THE JDA DATED 30.07.2015, AS PER ANNEXURE - A CLAUSE 27.3 OF JDA.

IN CMP NO. 513/2025

BETWEEN:

1. SMT. DUVVA NAGA SAI SAROJA AMULYA
D/O LATE D V N MURALIDHAR,
AGED ABOUT 39 YEARS,
PRESENTLY R/A NO.1800
STATE STREET, APT NO. 96,
SOUTH PASADENA, CA 91030.
USA.
PERMANENT RESIDENT OF
VILLA NO. 6-86, MYTRI SUVIDHA,
PEDDAPULI NAGARAM,
PEDDAGOLAKUNDA,
MAHESWARAM MANDAL
TELAGANA - 501 218.
2. SRI. VARDHAMSETTY DHEERAJ
S/O SRI V DIWAKAR,
AGED ABOUT 40 YEARS,
RESIDING AT VILLA NO. 6-86,
MYTRI SUVIDHA PEDDAPULI NAGARAM,
PEDDAGOLAKUNDA,



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MAHESWARAM MANDAL,
TELAGANA - 501 218.

...PETITIONERS

(BY SRI. NATARAJA H.T., ADVOCATE)

AND:

1. M/S KENT PROJECT PVT LTD
A PRIVATE LIMITED COMPANY
REGISTERED UNDER THE COMPANIES ACT, 1956,
HAVING REGISTER OFFICE AT 316/9,
RADHESHYAMNIWAS,
JAWAHAR NAGAR,
GOREGAON (WEST), MUMBAI - 400064
REPRESENTED BY ITS
DIRECTOR. MR NIKHIL R SHAH.
AND ALSO AT 43,
MEDAVAKKAM TANK ROAD,
KILPAUKK, CHENNAI -600 010,
REPRESENTED BY ITS DIRECTOR.
2. MR. NIKHIL R. SHAH
DIRECTOR OF
M/S KENT PROJECT PVT LTD,
OFFICE AT 316/9,
RADHESHYAMNIWAS,
JAWAHAR NAGAR,
GOREGAON (WEST)
MUMBAI - 400064.

...RESPONDENTS

(BY SMT. DEEKSHA N AMRUTHESH, ADVOCATE)

THIS CMP IS FILED UNDER SECTION 11 OF THE
ARBITRATION AND CONCILIATION ACT, 1996 PRAYING TO



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APPOINT AN ARBITRATOR FOR ADJUDICATION OF THE DISPUTES BETWEEN THE PARTIES ARISING OUT OF THE JOINT DEVELOPMENT AGREEMENT DATED 30.07.2015. ALTERNATIVELY, APPOINT A SOLE ARBITRATOR TO ADJUDICATE THE DISPUTES BETWEEN THE PARTIES ARISING OUT OF THE REGISTERED JOINT DEVELOPMENT AGREEMENT DATED 30.07.2015 AS PER ANNEXURE - A OF CLAUSE NO.27.3 OF JOINT DEVELOPMENT AGREEMENT.

IN CMP NO. 515/2025

BETWEEN:

1. SRI D VENKANNA,
S/O. LATE D. SATHYANARAYANA MURTHY,
AGED ABOUT 77 YEARS,
R/AT NO. 56,
THE BOULVERD APARTMENT,
3RD FLOOR, 3RD MAIN ROAD,
4TH CROSS, RMV 2ND STAGE,
DOLLARS COLONY,
BENGALURU-560 094.

...PETITIONER

(BY SRI. NATARAJA H.T., ADVOCATE)

AND:

1. M/S KENT PROJECT PVT LTD.,
A PRIVATE LIMITED COMPANY,
REGISTERED UNDER THE COMPANIES ACT, 1956,
HAVING REGISTER OFFICE AT 316/9,
RADHESHYAMNIWAS, J
AWAHAR NAGAR, GOREGAON (WEST)
MUMBAI-400064.



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REPRESENTED BY ITS DIRECTOR,
MR. NIKHIL R. SHAH
AND ALSO AT 43,
MEDAVAKKAM TANK ROAD,
KILPAUK, CHENNAI - 600 010,
REPRESENTED BY ITS DIRECTOR.

2. MR. NIKHIL R. SHAH
DIRECTOR, OF
M/S. KENT PROJECT PVT. LTD.,
OFFICE AT 316/9, RADHESHYAMNIWAS,
JAWAHAR NAGAR, GOREGAON (WEST)
MUMBAI-400064.

...RESPONDENTS

(BY SMT. DEEKSHA N AMRUTHESH, ADVOCATE)

THIS CMP IS FILED UNDER SECTION 11(5) OF THE
ARBITRATION AND CONCILIATION ACT, 1996 PRAYING TO
APPOINT AN ARBITRATOR FOR ADJUDICATION OF THE
JOINT DEVELOPMENT AGREEMENT DATED 30.07.2015.
ALTERNATIVELY, APPOINT A SOLE ARBITRATION TO
ADJUDICATE THE DISPUTES BETWEEN THE PARTIES
ARISING OUT OF THE REGISTERED JOINT DEVELOPMENT
AGREEMENT DATED 30.07.2015 AS PER ANNEXURE - A
CLAUSE 27.3 OF JOINT DEVELOPMENT AGREEMENT.

IN CMP NO. 517/2025

BETWEEN:

1. SRI. S. RAVICHAND
S/O SRI. VISWANADHAM,
AGED ABOUT 58 YEARS.



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2. SMT. RAMA DASAM
W/O SRI. S. RAVICHAND
AGED ABOUT 53 YEARS.
3. SRI. S. PRANEETH DARSHAN
S/O SRI. S. RAVICHAND ,
AGED ABOUT 33 YEARS.
4. MRS. PRATYUSH
D/O SRI S RAVICHAND
AGED ABOUT 29 YEARS.

ALL ARE R/AT NO.28,
1ST MAIN ROAD, AMAR JYOTHI LAYOUT,
RMV 2ND STAGE,
BENGALURU - 560 094.

...PETITIONERS

(BY SRI. NATARAJA H.T., ADVOCATE)

AND:

1. M/S KENT PROJECT PVT LTD.,
A PRIVATE LIMITED COMPANY REGISTERED UNDER
THE COMPANIES ACT, 1956,
HAVING REGISTER OFFICE AT 316/9,
RADHESHYAMNIWAS,
JAWAHAR NAGAR, GOREGAON (WEST)
MUMBAI - 400064
REPRESENTED BY ITS DIRECTOR.
MR NIKHIL R SHAH. AND
ALSO AT 43, MEDAVAKKAM TANK ROAD,
KILPAUKK, CHENNAI 600 010.
REPRESENTED BY ITS DIRECTOR.



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2. MR. NIKHIL R. SHAH
DIRECTOR OF
M/S KENT PROJECT PVT LTD,
OFFICE AT 316/9,
RADHESHYAMNIWAS,
JAWAHAR NAGAR, GOREGAON (WEST)
MUMBAI - 400064.

...RESPONDENTS

(BY SMT. DEEKSHA N AMRUTHESH, ADVOCATE)

THIS CMP IS FILED UNDER SECTION 11(5) OF THE ARBITRATION AND CONCILIATION ACT, 1996 PRAYING TO APPOINT AN ARBITRATOR FOR ADJUDICATION OF THE DISPUTES BETWEEN THE PARTIES ARISING OUT OF THE JDA DATED 30.07.2015 ALTERNATIVELY, APPOINT A SOLE ARBITRATOR TO ADJUDICATE THE DISPUTES BETWEEN THE PARTIES ARISING OUT OF THE REGISTERED JDA DATED 30.07.2015 AS PER ANNEXURE A CLAUSE 27.03 OF THE JDA.

IN CMP NO. 518/2025

BETWEEN:

1. SMT. D. VIJAYALAKSHMI,
W/O LATE D V N MURALIDHAR,
AGED ABOUT 69 YEARS,
VILLA NO. 6-86, MYTRI SUVIDHA,
PEDDAPULI NAGARAM,
PEDDAGOLAKUNDA,



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MAHESWARAM MANDAL
TELAGANA 501 218.
NOW CAMPING AT BENGALURU.

...PETITIONER

(BY SRI. NATARAJA H.T., ADVOCATE)

AND:

1. M/S KENT PROJECT PVT LTD.,
A PRIVATE LIMITED COMPANY REGISTERED UNDER
THE COMPANIES ACT, 1956,
HAVING REGISTER OFFICE
AT 316/9, RADHESHYAMNIWAS,
JAWAHR NAGAR, GOREGAON (WEST)
MUMBAI 400064.
REPRESENTED BY ITS DIRECTOR.
MR NIKHIL R SHAH
AND ALSIO AT 43,
MEDAVAKKAM TANK ROAD,
KILPAUK, CHENNAI 600 010.
REPRESENTED BY ITS DIRECTOR.
2. MR. NIKHIL R SHAH
DIRECTOR, OF M/S KENT PROJECT PVT LTD.,
OFFICE AT 316/9,
RADHESHYAMNIWAS,
JAWAHR NAGAR, GOREGAON (WEST)
MUMBAI - 400064.

...RESPONDENTS

(BY SMT. DEEKSHA N AMRUTHESH, ADVOCATE)

THIS CMP IS FILED UNDER SECTION 11(5) OF
ARBITRATION AND RECONCILIATION ACT, 1996, PRAYING



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TO APPOINT AN ARBITRATOR FOR ADJUDICATION OF THE DISPUTES BETWEEN THE PARTIES ARISING OUT OF THE JDA DATED 30.07.2015. ALTERNATIVELY, APPOINT A SOLE ARBITRATOR TO ADJUDICATE THE DISPUTES BETWEEN THE PARTIES ARISING OUT OF THE REGISTERED JDA DATED 30.07.2015 AS PER ANNEXURE A CLAUSE 27-3 OF THE JDA.

THESE PETITIONS, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

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

ORAL ORDER

1. Heard learned counsel appearing for the parties.
2. These petitions are filed by the petitioners seeking appointment of the arbitrator under Section 11 of the Arbitration and Conciliation Act, 1996. It is argued by the learned counsel appearing for the petitioners by referring to clause 27.3 of the Joint Development Agreement dated 30.07.2015(Annexure-A), that the Arbitration Clause has been provided for resolution of the dispute if any between the parties and accordingly, sought for appointment of the Arbitrator in



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these cases. It is also submitted by the learned counsel appearing for the petitioners by referring to the notice(Annexure-D / Annexure-B), that the notice has been issued to the respondent, seeking for termination of the Joint Development Agreement at Annexure-A through arbitration, and for resolution of all disputes between the parties, by appointing an Arbitrator.

3. Per contra, Smt. Deeksha N. Amruthesh, learned counsel appearing for the respondent, submitted that the condition precedent for appointment of the Arbitrator as to providing remedy for the parties for conciliation, has been provided as per the Clause 27 of the Joint Development Agreement and accordingly, sought for dismissal of the Petition.

4. In the light of the submissions made by the learned counsel appearing for the parties, clause 27.3 reads as under:

" 27.3) In the event of the parties being unable to resolve the dispute by conciliation as above or within such further time as the parties may mutually agree, the dispute may be referred by either party to



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arbitration by a panel of three arbitrators (one to be appointed by Party of First Part, the other by Party of Second Part and third by the two arbitrators) in accordance with the provisions of the Arbitration and Conciliation Act, 1996 and shall be decided by such Arbitral Tribunal. The award shall be final and binding on the parties."

(underlined by me)

5. Perusal of the aforementioned Provision, makes it clear that in the event of any dispute arising between the parties as to the Joint Development Agreement dated 30.07.2015(Annexure-A), wherein the parties have to resolve the dispute by conciliation at the initial stage and in the event if such conciliation has not become fruitful, thereafter the parties have to seek for resolution of dispute by a panel of three Arbitrators as per the provisions of the Arbitration Conciliation Act, 1996.

6. In that view of the matter, as the condition precedent for appointment of the Arbitrator is that there is a way for the



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parties to resolve the disputes initially through conciliation, I am of the view that as the notice(Annexure-B / Annexure-F) issued by the petitioners herein does not speak about the resolution of dispute by conciliation, I am of the view that the petitions are premature. However, liberty is reserved to the petitioners, to seek the remedy as per clause 27.3 of the Joint Development Agreement dated 30.07.2015(Annexure-A) and thereafter, in the event if there is a failure in the conciliation proceedings, then it is open for the parties to seek appointment of the Arbitrator as per the provisions of the Arbitration and Conciliation Act, 1996.

7. With the above observation, the Civil Miscellaneous Petitions are accordingly disposed of.

8. Pending interlocutory applications if any, do not survive for consideration.

**SD/-
(E.S.INDIRESH)
JUDGE**

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List No.: 1 Sl No.: 8