



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 23RD DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE PRADEEP SINGH YERUR

WRIT PETITION NO.200866 OF 2026 (GM-RES)

BETWEEN:

THE EXECUTIVE ENGINEER, PWD & IWTD
DIVISION, SEDAM,
SRI. PRABHAYYA S/O SHIVASHARNAYYA MATHMATI,
GOVERNMENT OF KARNATAKA.

...PETITIONER

(BY SRI. MALHARA RAO, AAG A/W
SRI. VIRANAGOUDA M. BIRADAR, AGA)

AND:

M. B. PATIL CONSTRUCTIONS LIMITED
HAVING CORPORATE OFFICE AT 2ND FLOOR,
COMMERCIAL BUILDING NO.1,
OPP. INCOME TAX,
BUILDING SHANKARSHETH ROAD, SWARAGATE,
PUNE-411042,
MAHARASHTRA,
REPRESENTED BY ITS CHAIRMAN MALLIKARJUN,
THROUGH HIS POA HOLDER SRI. DHANAJI.

...RESPONDENT

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO
ISSUE A WRIT OF CERTIORARI QUASHING THE IMPUGNED
ORDER DATED 16.02.2026 PRODUCED AT ANNEXURE-A,
PASSED BY THE HON'BLE PRINCIPAL DISTRICT AND SESSIONS
JUDGE, KALABURAGI IN COM. EX.NO.5/2026 AND





CONSEQUENTLY DISMISSING THE COM.EX.NO.5/2026 THAT IS PENDING ON THE FILE OF THE PRINCIPAL DISTRICT AND SESSIONS JUDGE, KALABURAGI.

THIS PETITION, COMING ON FOR ORDERS THIS DAY, ORDER WAS MADE THEREIN AS UNDER:
CORAM: HON'BLE MR. JUSTICE PRADEEP SINGH YERUR

ORAL ORDER

This petition is filed by the petitioner-State challenging the order dated 16.02.2026 passed by Prl. District and Sessions Judge, Kalaburagi in the Com. Ex. No.05/2026 and consequently to dismiss the Commercial Execution Petition.

2. I do not find any good ground or cogent reason to entertain this petition as in my opinion this petition itself is not maintainable, as the petitioner-State is questioning the order passed in the execution petition arising out of the commercial arbitration, in which though the arbitral award is set aside in part to the limited extent of liquidated damages, all other aspects of the award are not disturbed. In fact, it is stated that in all other aspects, the impugned award stands confirmed. The petitioner-



State instead of challenging the order passed under Section 34 of the Arbitration and Conciliation Act, 1996, which is allowed in part to the extent of liquidated damages, is now questioning the order passed in the execution petition, which is not sustainable in law. Therefore, the petitioner cannot maintain this petition. Of course the petitioner would be at liberty to challenge the said order passed in the arbitration suit, if he is so aggrieved and advised properly. Office objection with regard to maintainability is sustained.

3. The petitioner is also at liberty to file a proper memo of calculation before the Executing Court with regard to the liquidated damages.

4. Accordingly, petition stands ***dismissed***.

Sd/-
(PRADEEP SINGH YERUR)
JUDGE

NJ
LIST NO.: 1 SL NO.: 40