



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 13TH DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE ASHOK S.KINAGI

CIVIL MISC. PETITION NO. 202 OF 2024

C/W

CIVIL MISC. PETITION NO. 204 OF 2024

CIVIL MISC. PETITION NO. 205 OF 2024

CIVIL MISC. PETITION NO. 208 OF 2024

CIVIL MISC. PETITION NO. 209 OF 2024

CIVIL MISC. PETITION NO. 271 OF 2024

CIVIL MISC. PETITION NO. 300 OF 2024

CIVIL MISC. PETITION NO. 304 OF 2024

CIVIL MISC. PETITION NO. 312 OF 2024

CIVIL MISC. PETITION NO. 317 OF 2024

CIVIL MISC. PETITION NO. 322 OF 2024

CIVIL MISC. PETITION NO. 326 OF 2024

CIVIL MISC. PETITION NO. 330 OF 2024

CIVIL MISC. PETITION NO. 331 OF 2024

CIVIL MISC. PETITION NO. 332 OF 2024

CIVIL MISC. PETITION NO. 333 OF 2024

CIVIL MISC. PETITION NO. 353 OF 2024

CIVIL MISC. PETITION NO. 375 OF 2024

CIVIL MISC. PETITION NO. 413 OF 2024

CIVIL MISC. PETITION NO. 375 OF 2025





**NC: 2026:KHC:9426
CMP No. 202 of 2024
C/W CMP No. 204 of 2024
CMP No. 205 of 2024
AND 17 OTHERS**

IN CMP No. 202/2024
BETWEEN:

MRS. KUCHIBHOTLA MYTHILEE RAO
W/O SRI KUCHIBHOTLA SURYANARAYANA RAO,
AGED ABOUT 54 YEARS,
RESIDING AT A12-102,
SHRIRAM CHIRPING WOODS
HARALUR ROAD,
KASAVANAHALLI
BANGALORE - 560102.

...PETITIONER

(BY SRI. RAVI S K., ADVOCATE)

AND:

1. SMARTOWNER SERVICES INDIA PRIVATE LIMITED
REP. BY ITS BOARD OF DIRECTORS,
HAVING ITS REG. OFFICE AT
8TH FLOOR, DELTA BLOCK,
SIGMA TECH PARK,
OLD AIRPORT ROAD,
WHITEFIELD, BENGALURU - 560 066.
2. SMART ASSETS SERVICES INDIA PRIVATE LIMITED
REP. BY ITS BOARD OF DIRECTORS,
HAVING ITS REG. OFFICE AT
151, 9TH MAIN, 6TH SECTOR,
HSR LAYOUT, BENGALURU - 560102.
3. STONEHILL PROPERTIES INDIA LLP,
REP. BY ITS DESIGNATED PARTNERS,
HAVING ITS REG. OFFICE AT SIGMA TECH PARK,
8TH FLOOR, DELTA BLOCK
RAMAGONDANAHALLI,
VARTHUR MAIN ROAD,
WHITEFIELD, BENGALURU - 560066.
4. HILLSBOROUGH PROPERTIES LLP,
REP. BY ITS DESIGNATED PARTNERS



NC: 2026:KHC:9426
CMP No. 202 of 2024
C/W CMP No. 204 of 2024
CMP No. 205 of 2024
AND 17 OTHERS

8TH FLOOR, DELTA BLOCK SIGMA TECH PARK,
NEAR RAMAGONDANAHALLI VARTHUR,
WHITEFIELD ROAD,
BANGALORE,
KARNATAKA, INDIA - 560066.

5. IMPERIAL DWELLINGS PRIVATE LIMITED
REP. BY ITS BOARD OF DIRECTORS,
HAVING ITS REG. OFFICE AT LEVEL 3 AND 4,
EMBASSY DIAMANTE,
34 VITTAL MALLYA ROAD,
BENGALURU - 560001.

...RESPONDENTS

(BY SRI. NAGARALE SANTOSH SUBHASHCHANDRA, ADVOCATE
FOR R1
SRI. SHIVARUDRAPPA SHETKAR, ADVOCATE FOR R5
SRI. GIRI K & DEEPIKA M.S. ADVOCATE FOR R2
SRI. CHANDRACHOODA R N., ADVOCATE FOR R3
V/O DATED 24.10.2025 SERVICE OF NOTICE IN R/O R4 H/S)

THIS CIVIL MISC. PETITION IS FILED UNDER SEC.11(6)
FOR APPOINTMENT OF ARBITRATOR UNDER THE ARBITRATION
AND CONCILIATION ACT, 1996 PRAYING TO ALLOW THE
PRESENT CIVIL MISCELLANEOUS PETITION AND APPOINT A
SOLE ARBITRATOR UNDER THE ARBITRATION AND
CONCILIATION ACT, 1996 IN TERMS OF ARTICLE 11 OF THE
MASTER SERVICE AGREEMENT DATED 12.11.2018 AT
ANNEXURE-A.

IN CMP No. 204/2024

BETWEEN:

MRS. TINY SHAJI
W/O SRI SHAJI ANTONY
AGED ABOUT 55 YEARS
R/AT C-602, VASWANI PINNACLE



NC: 2026:KHC:9426
CMP No. 202 of 2024
C/W CMP No. 204 of 2024
CMP No. 205 of 2024
AND 17 OTHERS

WHITEFIELD MAIN ROAD
BENGALURU – 560 066.

...PETITIONER

(BY SRI. RAVI S K., ADVOCATE)

AND:

1. SMARTOWNER SERVICES INDIA PRIVATE LIMITED
REP. BY ITS BOARD OF DIRECTORS,
HAVING ITS REG. OFFICE AT
8TH FLOOR, DELTA BLOCK,
SIGMA TECH PARK,
OLD AIRPORT ROAD,
WHITEFIELD, BENGALURU - 560 066.
2. SMART ASSETS SERVICES INDIA PRIVATE LIMITED
REP. BY ITS BOARD OF DIRECTORS,
HAVING ITS REG. OFFICE AT
151, 9TH MAIN, 6TH SECTOR,
HSR LAYOUT, BENGALURU - 560102.
3. STONEHILL PROPERTIES INDIA LLP,
REP. BY ITS DESIGNATED PARTNERS,
HAVING ITS REG. OFFICE AT SIGMA TECH PARK,
8TH FLOOR, DELTA BLOCK
RAMAGONDANAHALLI,
VARTHUR MAIN ROAD,
WHITEFIELD, BENGALURU - 560066.
4. WATERBURY PROPERTIES LLP
REP. BY ITS DESIGNATED PARTNERS
8TH FLOOR, DELTA BLOCK SIGMA TECH PARK,
NEAR RAMAGONDANAHALLI VARTHUR,
WHITEFIELD ROAD,
BANGALORE,
KARNATAKA, INDIA - 560066.
5. IMPERIAL DWELLINGS PRIVATE LIMITED
REP. BY ITS BOARD OF DIRECTORS,
HAVING ITS REG. OFFICE AT LEVEL 3 AND 4,



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AND 17 OTHERS

EMBASSY DIAMANTE,
34 VITTAL MALLYA ROAD,
BENGALURU - 560001.

...RESPONDENTS

(BY SRI. NAGARALE SANTOSH SUBHASHCHANDRA, ADVOCATE
FOR R1
V/O DATED 16.02.2024 SRI. SURAJ, ADVOCATE FOR R1(VK
NOT FILED)
SRI. SHIVARUDRAPPA SHETKAR, ADVOCATE FOR R5
SRI. GIRI K & DEEPIKA M.S. ADVOCATE FOR R2
SRI. CHANDRACHOODA R N., ADVOCATE FOR R3
V/O DATED 24.10.2025 SERVICE OF NOTICE IN R/O R4 H/S)

THIS CIVIL MISC. PETITION IS FILED UNDER SEC.11(6)
FOR APPOINTMENT OF ARBITRATOR UNDER THE ARBITRATION
AND CONCILIATION ACT, 1996 PRAYING TO ALLOW THE
PRESENT CIVIL MISCELLANEOUS PETITION AND APPOINT A
SOLE ARBITRATOR UNDER THE ARBITRATION AND
CONCILIATION ACT, 1996 IN TERMS OF ARTICLE 11 OF THE
MASTER SERVICE AGREEMENT DATED 23.03.2018 AT
ANNEXURE-A.

IN CMP No. 205/2024

BETWEEN:

MRS. SAMEENA PRAVEEN
W/O RIZWAN AHMED
AGED ABOUT 56 YEARS
R/AT No.10, 3RD FLOOR
MUNESHWARA TEMPLE STREET
COLES ROAD CROSS
FRAZER TOWN
BANGALORE - 560 005
REP. BY HER SPA HOLDER RIZWAN AHMED

...PETITIONER

(BY SRI. RAVI S K., ADVOCATE)



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CMP No. 205 of 2024
AND 17 OTHERS

AND:

1. SMARTOWNER SERVICES INDIA PRIVATE LIMITED
REP. BY ITS BOARD OF DIRECTORS,
HAVING ITS REG. OFFICE AT
8TH FLOOR, DELTA BLOCK,
SIGMA TECH PARK,
OLD AIRPORT ROAD,
WHITEFIELD, BENGALURU - 560 066.
2. SMART ASSETS SERVICES INDIA PRIVATE LIMITED
REP. BY ITS BOARD OF DIRECTORS,
HAVING ITS REG. OFFICE AT
151, 9TH MAIN, 6TH SECTOR,
HSR LAYOUT, BENGALURU - 560102.
3. STONEHILL PROPERTIES INDIA LLP,
REP. BY ITS DESIGNATED PARTNERS,
HAVING ITS REG. OFFICE AT SIGMA TECH PARK,
8TH FLOOR, DELTA BLOCK
RAMAGONDANAHALLI,
VARTHUR MAIN ROAD,
WHITEFIELD, BENGALURU - 560066.
4. ANTIOCH PROPERTIES LLP,
REP. BY ITS DESIGNATED PARTNERS
8TH FLOOR, DELTA BLOCK SIGMA TECH PARK,
NEAR RAMAGONDANAHALLI VARTHUR,
WHITEFIELD ROAD,
BANGALORE,
KARNATAKA, INDIA - 560066.
5. IMPERIAL DWELLINGS PRIVATE LIMITED
REP. BY ITS BOARD OF DIRECTORS,
HAVING ITS REG. OFFICE AT LEVEL 3 AND 4,
EMBASSY DIAMANTE,
34 VITTAL MALLYA ROAD,
BENGALURU - 560001.

...RESPONDENTS



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AND 17 OTHERS

(BY SRI. NAGARALE SANTOSH SUBHASHCHANDRA, ADVOCATE
FOR R1
V/O DATED 16.02.2024 SRI. SURAJ, ADVOCATE FOR R1(VK
NOT FILED)
SRI. SHIVARUDRAPPA SHETKAR, ADVOCATE FOR R5
SRI. GIRI K & DEEPIKA M.S. ADVOCATE FOR R2
SRI. CHANDRACHOODA R N., ADVOCATE FOR R3
V/O DATED 24.10.2025 SERVICE OF NOTICE TO R4 IS H/S)

THIS CIVIL MISC. PETITION IS FILED UNDER SEC.11(6)
FOR APPOINTMENT OF ARBITRATOR UNDER THE ARBITRATION
AND CONCILIATION ACT, 1996 PRAYING TO ALLOW THE
PRESENT CIVIL MISCELLANEOUS PETITION AND APPOINT A
SOLE ARBITRATOR UNDER THE ARBITRATION AND
CONCILIATION ACT, 1996 IN TERMS OF ARTICLE 11 OF THE
MASTER SERVICE AGREEMENT DATED 11.06.2019 AT
ANNEXURE-B.

IN CMP No. 208/2024

BETWEEN:

MRS. DIPANWITA JAKKULA
W/O MR. GANGA PRASAD JAKKULA
AGED ABOUT 46 YEARS
R/AT F 6, JANHAVI MEADOWS
YELEHAHALLI
BANGALORE – 560 068

...PETITIONER

(BY SRI. RAVI S K., ADVOCATE)

AND:

1. SMARTOWNER SERVICES INDIA PRIVATE LIMITED
REP. BY ITS BOARD OF DIRECTORS,
HAVING ITS REG. OFFICE AT
8TH FLOOR, DELTA BLOCK,
SIGMA TECH PARK,
OLD AIRPORT ROAD,



NC: 2026:KHC:9426
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CMP No. 205 of 2024
AND 17 OTHERS

WHITEFIELD,
BENGALURU - 560 066.

2. SMART ASSETS SERVICES INDIA PRIVATE LIMITED
REP. BY ITS BOARD OF DIRECTORS,
HAVING ITS REG. OFFICE AT
151, 9TH MAIN, 6TH SECTOR,
HSR LAYOUT, BENGALURU - 560102.
3. STONEHILL PROPERTIES INDIA LLP,
REP. BY ITS DESIGNATED PARTNERS,
HAVING ITS REG. OFFICE AT SIGMA TECH PARK,
8TH FLOOR, DELTA BLOCK
RAMAGONDANAHALLI,
VARTHUR MAIN ROAD,
WHITEFIELD,
BENGALURU - 560066.
4. HILLSBOROUGH PROPERTIES LLP,
REP. BY ITS DESIGNATED PARTNERS
8TH FLOOR, DELTA BLOCK SIGMA TECH PARK,
NEAR RAMAGONDANAHALLI VARTHUR,
WHITEFIELD ROAD,
BANGALORE,
KARNATAKA, INDIA - 560066.
5. IMPERIAL DWELLINGS PRIVATE LIMITED
REP. BY ITS BOARD OF DIRECTORS,
HAVING ITS REG. OFFICE AT LEVEL 3 AND 4,
EMBASSY DIAMANTE,
34 VITTAL MALLYA ROAD,
BENGALURU - 560001.

...RESPONDENTS

(BY SRI. NAGARALE SANTOSH SUBHASHCHANDRA, ADVOCATE
FOR R1
V/O DATED 16.02.2024 SRI. SURAJ, ADVOCATE FOR R1(VK
NOT FILED)
SRI. SHIVARUDRAPPA SHETKAR, ADVOCATE FOR R5
SRI. GIRI K & DEEPIKA M.S. ADVOCATE FOR R2



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CMP No. 205 of 2024
AND 17 OTHERS

SRI. CHANDRACHOODA R N., ADVOCATE FOR R3
V/O DATED 24.10.2025 SERVICE OF NOTICE TO R4 IS H/S)

THIS CIVIL MISC. PETITION IS FILED UNDER SEC.11(6) FOR APPOINTMENT OF ARBITRATOR UNDER THE ARBITRATION AND CONCILIATION ACT, 1996 PRAYING TO ALLOW THE PRESENT CIVIL MISCELLANEOUS PETITION AND APPOINT A SOLE ARBITRATOR UNDER THE ARBITRATION AND CONCILIATION ACT, 1996 IN TERMS OF ARTICLE 11 OF THE MASTER SERVICE AGREEMENT DATED 05.11.2018 AT ANNEXURE-A.

IN CMP No. 209/2024

BETWEEN:

MR. MOHAMMED SADIQ SOHAIL
S/O MOHAMMED YAKOOB
AGED ABOUT 64 YEARS
R/AT No. Appellate Tribunal 2C, ARCOT VILLA
No.18, MOSQUE ROAD, FRAZER TOWN
BANGALORE
KARNATAKA 560 005
REPRESENTED BY HIS POA HOLDER RIZWAN AHMED
...PETITIONER

(BY SRI. RAVI S K., ADVOCATE)

AND:

1. SMARTOWNER SERVICES INDIA PRIVATE LIMITED
REP. BY ITS BOARD OF DIRECTORS,
HAVING ITS REG. OFFICE AT
8TH FLOOR, DELTA BLOCK,
SIGMA TECH PARK,
OLD AIRPORT ROAD,
WHITEFIELD,
BENGALURU - 560 066.



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CMP No. 205 of 2024
AND 17 OTHERS

2. SMART ASSETS SERVICES INDIA PRIVATE LIMITED
REP. BY ITS BOARD OF DIRECTORS,
HAVING ITS REG. OFFICE AT
151, 9TH MAIN, 6TH SECTOR,
HSR LAYOUT, BENGALURU - 560102.
3. STONEHILL PROPERTIES INDIA LLP,
REP. BY ITS DESIGNATED PARTNERS,
HAVING ITS REG. OFFICE AT SIGMA TECH PARK,
8TH FLOOR, DELTA BLOCK
RAMAGONDANAHALLI,
VARTHUR MAIN ROAD,
WHITEFIELD, BENGALURU - 560066.
4. HILLSBOROUGH PROPERTIES LLP,
REP. BY ITS DESIGNATED PARTNERS
8TH FLOOR, DELTA BLOCK SIGMA TECH PARK,
NEAR RAMAGONDANAHALLI VARTHUR,
WHITEFIELD ROAD,
BANGALORE,
KARNATAKA, INDIA - 560066.
5. IMPERIAL DWELLINGS PRIVATE LIMITED
REP. BY ITS BOARD OF DIRECTORS,
HAVING ITS REG. OFFICE AT LEVEL 3 AND 4,
EMBASSY DIAMANTE,
34 VITTAL MALLYA ROAD,
BENGALURU - 560001.

...RESPONDENTS

(BY SRI. NAGARALE SANTOSH SUBHASHCHANDRA, ADVOCATE
FOR R1
SRI. SHIVARUDRAPPA SHETKAR, ADVOCATE FOR R5
SRI. GIRI K & DEEPIKA M.S. ADVOCATE FOR R2
SRI. CHANDRACHOODA R N., ADVOCATE FOR R3
R4 SERVED)

THIS CIVIL MISC. PETITION IS FILED UNDER SEC.11(6)
FOR APPOINTMENT OF ARBITRATOR UNDER THE ARBITRATION
AND CONCILIATION ACT, 1996 PRAYING TO ALLOW THE



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AND 17 OTHERS

PRESENT CIVIL MISCELLANEOUS PETITION AND APPOINT A SOLE ARBITRATOR UNDER THE ARBITRATION AND CONCILIATION ACT, 1996 IN TERMS OF ARTICLE 11 OF THE MASTER SERVICE AGREEMENT DATED 1905.2019 AT ANNEXURE-B.

IN CMP No. 271/2024
BETWEEN:

SMT. RASHMILATA MISHRA
W/O. SRI. MANOHAR LAL MISHRA,
AGED ABOUT 66 YEARS,
RESIDING AT A-39, MURLI KUNCJ
PANI TANKI KE PASS
SONGANGA COLONY, SEEPTA ROAD, BILASPUR,
CHATTISHGARH - 495 001.
REP. BY HER POA HOLDER PHALGUN MADDALI,
S/O. SRI. MADDALI VENKATA SATYA APPA RAO,
AGED ABOUT 40 YEARS,
RESIDING AT # 503, I MAIN ROAD,
VYSYA BANK COLONY,
SHANTINIKETAN LAYOUT,
AREKERE, BANGALORE - 560076

...PETITIONER

(BY SRI. RAVI S K., ADVOCATE)

AND:

1. SMARTOWNER SERVICES INDIA PRIVATE LIMITED
REP. BY ITS BOARD OF DIRECTORS,
HAVING ITS REG. OFFICE AT
8TH FLOOR, DELTA BLOCK,
SIGMA TECH PARK,
OLD AIRPORT ROAD,
WHITEFIELD, BENGALURU - 560 066.
2. SMART ASSETS SERVICES INDIA PRIVATE LIMITED
REP. BY ITS BOARD OF DIRECTORS,
HAVING ITS REG. OFFICE AT
151, 9TH MAIN, 6TH SECTOR,



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CMP No. 205 of 2024
AND 17 OTHERS

HSR LAYOUT,
BENGALURU - 560102.

3. STONEHILL PROPERTIES INDIA LLP,
REP. BY ITS DESIGNATED PARTNERS,
HAVING ITS REG. OFFICE AT SIGMA TECH PARK,
8TH FLOOR, DELTA BLOCK
RAMAGONDANAHALLI,
VARTHUR MAIN ROAD,
WHITEFIELD, BENGALURU - 560066.
4. BLOOMINGTON PROPERTIES LLP,
REP. BY ITS DESIGNATED PARTNERS
8TH FLOOR, DELTA BLOCK SIGMA TECH PARK,
NEAR RAMAGONDANAHALLI VARTHUR,
WHITEFIELD ROAD,
BANGALORE,
KARNATAKA, INDIA - 560066.
5. IMPERIAL DWELLINGS PRIVATE LIMITED
REP. BY ITS BOARD OF DIRECTORS,
HAVING ITS REG. OFFICE AT LEVEL 3 AND 4,
EMBASSY DIAMANTE,
34 VITTAL MALLYA ROAD,
BENGALURU - 560001.

...RESPONDENTS

(BY SRI. NAGARALE SANTOSH SUBHASHCHANDRA, ADVOCATE
FOR R1
V/O DATED 16.02.2024 SRI. SURAJ, ADVOCATE FOR R1 (VK
NOT FILED)
SRI. SHIVARUDRAPPA SHETKAR, ADVOCATE FOR R5
SRI. GIRI K & DEEPIKA M.S. ADVOCATE FOR R2
SRI. CHANDRACHOODA R N., ADVOCATE FOR R3
V/O DATED 24.10.2025 SERVICE OF NOTICE TO R4 IS H/S)

THIS CIVIL MISC. PETITION IS FILED UNDER SEC.11(6)
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PRESENT CIVIL MISCELLANEOUS PETITION AND APPOINT A



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SOLE ARBITRATOR UNDER THE ARBITRATION AND CONCILIATION ACT, 1996 IN TERMS OF ARTICLE 11 OF THE MASTER SERVICE AGREEMENT DATED 23.05.2018 AT ANNEXURE-B.

IN CMP No. 300/2024
BETWEEN:

MR. MERVYN ANTONY,
S/O. SRI ALBERT ANTHONY,
AGED ABOUT 37 YEARS,
RESIDING AT # NO. 11 HOLLY TRAIL,
HOPKINTON, MA 01748, USA.
REP. BY HIS SPA HOLDER
MR. RAMESH SAGERE,
S/O. LATE SRI. S.N. MURTHY
(SAGRE NARASIMHA MURTHY),
AGED ABOUT 59 YEARS,
R/O. VAATAAPI, NO. 150TH MAIN
BANASHANKARI 3RD STAGE, 4TH BLOCK
2ND PHASE, BANGALORE - 560 085.

...PETITIONER

(BY SRI. RAVI S K., ADVOCATE)

AND:

1. SMARTOWNER SERVICES INDIA PRIVATE LIMITED
REP. BY ITS BOARD OF DIRECTORS,
HAVING ITS REG. OFFICE AT
8TH FLOOR, DELTA BLOCK,
SIGMA TECH PARK,
OLD AIRPORT ROAD,
WHITEFIELD, BENGALURU - 560 066.
2. SMART ASSETS SERVICES INDIA PRIVATE LIMITED
REP. BY ITS BOARD OF DIRECTORS,
HAVING ITS REG. OFFICE AT
151, 9TH MAIN, 6TH SECTOR,
HSR LAYOUT, BENGALURU - 560102.



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CMP No. 205 of 2024
AND 17 OTHERS

3. STONEHILL PROPERTIES INDIA LLP,
REP. BY ITS DESIGNATED PARTNERS,
HAVING ITS REG. OFFICE AT SIGMA TECH PARK,
8TH FLOOR, DELTA BLOCK
RAMAGONDANAHALLI,
VARTHUR MAIN ROAD,
WHITEFIELD, BENGALURU - 560066.

4. HILLSBOROUGH PROPERTIES LLP,
REP. BY ITS BOARD OR DIRECTOR
8TH FLOOR, DELTA BLOCK SIGMA TECH PARK,
NEAR RAMAGONDANAHALLI VARTHUR,
WHITEFIELD ROAD,
BANGALORE,
KARNATAKA, INDIA - 560066.

5. IMPERIAL DWELLINGS PRIVATE LIMITED
REP. BY ITS BOARD OF DIRECTORS,
HAVING ITS REG. OFFICE AT LEVEL 3 AND 4,
EMBASSY DIAMANTE,
34 VITTAL MALLYA ROAD,
BENGALURU - 560001.

...RESPONDENTS

(BY SRI. NAGARALE SANTOSH SUBHASHCHANDRA, &
SRI. GIRI K., ADVOCATES FOR R1 (JOINT VK FILED)
SRI. GIRI K, ADVOCATE FOR R2
SRI. CHANDRACHOODA R N., ADVOCATE FOR R3
R4 & R5 ARE SERVED)

THIS CIVIL MISC. PETITION IS FILED UNDER SEC.11(6)
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PRESENT CIVIL MISCELLANEOUS PETITION AND APPOINT A
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CONCILIATION ACT, 1996 IN TERMS OF ARTICLE 11 OF THE
MASTER SERVICE AGREEMENT DATED 22.10.2018 AT
ANNEXURE-B.



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C/W CMP No. 204 of 2024
CMP No. 205 of 2024
AND 17 OTHERS

IN CMP No. 304/2024

BETWEEN:

MR PHALGUN MADDALI,
S/O. SRI MADDALI VENKATA SATYA APPA RAO,
AGED ABOUT 40 YEARS,
RESIDING AT # 503, 1 MAIN ROAD,
VYSYA BANK COLONY,
SHANTINIKETAN LAYOUT,
AREKERE,
BANGALORE -560076.

...PETITIONER

(BY SRI. RAVI S K., ADVOCATE)

AND:

1. SMARTOWNER SERVICES INDIA PRIVATE LIMITED
REP. BY ITS BOARD OF DIRECTORS,
HAVING ITS REG. OFFICE AT
8TH FLOOR, DELTA BLOCK,
SIGMA TECH PARK,
OLD AIRPORT ROAD,
WHITEFIELD, BENGALURU - 560 066.
2. SMART ASSETS SERVICES INDIA PRIVATE LIMITED
REP. BY ITS BOARD OF DIRECTORS,
HAVING ITS REG. OFFICE AT
151, 9TH MAIN, 6TH SECTOR,
HSR LAYOUT, BENGALURU - 560102.
3. STONEHILL PROPERTIES INDIA LLP,
REP. BY ITS DESIGNATED PARTNERS,
HAVING ITS REG. OFFICE AT SIGMA TECH PARK,
8TH FLOOR, DELTA BLOCK
RAMAGONDANAHALLI,
VARTHUR MAIN ROAD,
WHITEFIELD,
BENGALURU - 560066.



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4. IMPERIAL DWELLINGS PRIVATE LIMITED
REP. BY ITS BOARD OF DIRECTORS,
HAVING ITS REG. OFFICE AT LEVEL 3 AND 4,
EMBASSY DIAMANTE,
34 VITTAL MALLYA ROAD,
BENGALURU - 560001.

...RESPONDENTS

(BY SRI. NAGARALE SANTOSH SUBHASHCHANDRA, ADVOCATE
FOR R1
SRI. GIRI K, ADVOCATE FOR R2
SRI. CHANDRACHOODA R N., ADVOCATE FOR R3
SHIVARUDRAPPA SHETKAR, ADVOCATE FOR R4)

THIS CIVIL MISC. PETITION IS FILED UNDER SEC.11(6)
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PRESENT CIVIL MISCELLANEOUS PETITION AND APPOINT A
SOLE ARBITRATOR UNDER THE ARBITRATION AND
CONCILIATION ACT, 1996 IN TERMS OF ARTICLE 11 OF THE
MASTER SERVICE AGREEMENT DATED 21.06.2017 AT
ANNEXURE-A.

IN CMP No. 312/2024

BETWEEN:

MR. JAMES CHACKO
S/O LATE MR.N.A.CHACKO
AGED ABOUT 40 YEARS.
RESIDING AT VACANZA @EAST,
46 LENGKONG TUJOH, #04-24
BLOCK 46, SINGAPORE 417396
REP. BY HIS SPA HOKLER MR. AGNEW CHACKE
S/O LATE MR.N.A.CHACKO
AGED ABOUT 55 YEARS,
R/O. NO.3, NEW NO. 40,
GANGANMA TEMPLE ROAD,
BEHIND ST. MARY'S CHURCH,



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AND 17 OTHERS

GANGANMA CIRCLE, JALAHALLI
BENGALURU 560013.

...PETITIONER

(BY SRI. RAVI S K., ADVOCATE)

AND:

1. SMARTOWNER SERVICES INDIA PRIVATE LIMITED
REP. BY ITS BOARD OF DIRECTORS,
HAVING ITS REG. OFFICE AT
8TH FLOOR, DELTA BLOCK,
SIGMA TECH PARK,
OLD AIRPORT ROAD,
WHITEFIELD, BENGALURU - 560 066.
2. SMART ASSETS SERVICES INDIA PRIVATE LIMITED
REP. BY ITS BOARD OF DIRECTORS,
HAVING ITS REG. OFFICE AT
151, 9TH MAIN, 6TH SECTOR,
HSR LAYOUT, BENGALURU - 560102.
3. STONEHILL PROPERTIES INDIA LLP,
REP. BY ITS DESIGNATED PARTNERS,
HAVING ITS REG. OFFICE AT SIGMA TECH PARK,
8TH FLOOR, DELTA BLOCK
RAMAGONDANAHALLI,
VARTHUR MAIN ROAD,
WHITEFIELD, BENGALURU - 560066.
4. SPRINGDEW PROPERTIES LLP,
REP. BY ITS DESIGNATED PARTNERS
8TH FLOOR, DELTA BLOCK SIGMA TECH PARK,
NEAR RAMAGONDANAHALLI VARTHUR,
WHITEFIELD ROAD,
BANGALORE,
KARNATAKA, INDIA - 560066.
5. IMPERIAL DWELLINGS PRIVATE LIMITED
REP. BY ITS BOARD OF DIRECTORS,



NC: 2026:KHC:9426
CMP No. 202 of 2024
C/W CMP No. 204 of 2024
CMP No. 205 of 2024
AND 17 OTHERS

HAVING ITS REG. OFFICE AT LEVEL 3 AND 4,
EMBASSY DIAMANTE,
34 VITTAL MALLYA ROAD,
BENGALURU - 560001.

...RESPONDENTS

(BY SRI. NAGARALE SANTOSH SUBHASHCHANDRA, &
SRI. GIRI K., ADVOCATES FOR R1 (JOINT VK FILED)
SRI. GIRI K, & DEEPIKA M.S. ADVOCATES FOR R2
SRI. CHANDRACHOODA R N., ADVOCATE FOR R3
R4 SERVED
SRI. SHIVARUDRAPPA SHETKAR, ADVOCATE FOR R5)

THIS CIVIL MISC. PETITION IS FILED UNDER SEC.11(6)
FOR APPOINTMENT OF ARBITRATOR UNDER THE ARBITRATION
AND CONCILIATION ACT, 1996 PRAYING TO ALLOW THE
PRESENT CIVIL MISCELLANEOUS PETITION AND APPOINT A
SOLE ARBITRATOR UNDER THE ARBITRATION AND
CONCILIATION ACT, 1996 IN TERMS OF ARTICLE 11 OF THE
MASTER SERVICE AGREEMENT DATED 11.09.2017 AT
ANNEXURE-B.

IN CMP No. 317/2024

BETWEEN:

SRI. ANAND IYER,
S/O MAHADEVA HALASYAM IYER,
AGED ABOUT 42 YEARS,
RESIDING AT # 477, GF-04,
AJANTHA WONDER, 9TH MAIN,
5TH STAGE, BEML LAYOUT,
RAJARAJESWARI NAGAR,
BANGALORE-560098.

....PETITIONER

(BY SRI. RAVI S K., ADVOCATE)



NC: 2026:KHC:9426
CMP No. 202 of 2024
C/W CMP No. 204 of 2024
CMP No. 205 of 2024
AND 17 OTHERS

AND:

1. SMARTOWNER SERVICES INDIA PRIVATE LIMITED
REP. BY ITS BOARD OF DIRECTORS,
HAVING ITS REG. OFFICE AT
8TH FLOOR, DELTA BLOCK,
SIGMA TECH PARK,
OLD AIRPORT ROAD,
WHITEFIELD, BENGALURU - 560 066.
2. SMART ASSETS SERVICES INDIA PRIVATE LIMITED
REP. BY ITS BOARD OF DIRECTORS,
HAVING ITS REG. OFFICE AT
151, 9TH MAIN, 6TH SECTOR,
HSR LAYOUT, BENGALURU - 560102.
3. MAYO PROPERTIES INDIA LLP,
REP. BY ITS DESIGNATED PARTNERS,
HAVING ITS REG. OFFICE AT 7TH & 8TH FLOOR,
DELTA BLOCK SIGMA TECH PARK,
NEAR RAMAGONDANAHALLI, VARTHUR,
WHITEFIELD ROAD,
BANGALORE,
KARNATAKA, INDIA - 560066
4. IMPERIAL DWELLINGS PRIVATE LIMITED
REP. BY ITS BOARD OF DIRECTORS,
HAVING ITS REG. OFFICE AT LEVEL 3 AND 4,
EMBASSY DIAMANTE,
34 VITTAL MALLYA ROAD,
BENGALURU - 560001.

...RESPONDENTS

(BY SRI. NAGARALE SANTOSH SUBHASHCHANDRA, &
SRI. GIRI K., ADVOCATES FOR R1 (JOINT VK FILED)
SRI. GIRI K, ADVOCATE FOR R2
SRI. CHANDRACHOODA R N., ADVOCATE FOR R3
SRI. SHIVARUDRAPPA SHETKAR, ADVOCATE FOR R4)



NC: 2026:KHC:9426
CMP No. 202 of 2024
C/W CMP No. 204 of 2024
CMP No. 205 of 2024
AND 17 OTHERS

THIS CIVIL MISC. PETITION IS FILED UNDER SEC.11(6) FOR APPOINTMENT OF ARBITRATOR UNDER THE ARBITRATION AND CONCILIATION ACT, 1996 PRAYING TO ALLOW THE PRESENT CIVIL MISCELLANEOUS PETITION AND APPOINT A SOLE ARBITRATOR UNDER THE ARBITRATION AND CONCILIATION ACT, 1996 IN TERMS OF ARTICLE 11 OF THE MASTER SERVICE AGREEMENT DATED 01.18.2019 AT ANNEXURE-A.

IN CMP No. 322/2024

BETWEEN:

SMT. INDIRA MURTHY,
W/O.SRI KRISHNA MURTHY,
AGED ABOUT 68 YEARS
RESIDING AT # 1334/1, 24TH A MAIN,
9TH BLOCK, JAYANAGAR,
BENGALURU - 560 069.
REP. BY HER SPA HOLDER
MR. PRADEEP CL, S/O. LATE SRI. LOKESH CN.
AGED ABOUT 42 YEARS,
R/O. NO.1031, 27TH MAIN,
9TH BLOCK, JAYANAGAR
BANGALORE - 560 069.

...PETITIONER

(BY SRI. RAVI S K., ADVOCATE)

AND:

1. SMARTOWNER SERVICES INDIA PRIVATE LIMITED
REP. BY ITS BOARD OF DIRECTORS,
HAVING ITS REG. OFFICE AT
8TH FLOOR, DELTA BLOCK,
SIGMA TECH PARK,
OLD AIRPORT ROAD,
WHITEFIELD, BENGALURU - 560 066.
2. SMART ASSETS SERVICES INDIA PRIVATE LIMITED
REP. BY ITS BOARD OF DIRECTORS,



NC: 2026:KHC:9426
CMP No. 202 of 2024
C/W CMP No. 204 of 2024
CMP No. 205 of 2024
AND 17 OTHERS

HAVING ITS REG. OFFICE AT
151, 9TH MAIN, 6TH SECTOR,
HSR LAYOUT, BENGALURU - 560102.

3. STONEHILL PROPERTIES INDIA LLP,
REP. BY ITS DESIGNATED PARTNERS,
HAVING ITS REG. OFFICE AT SIGMA TECH PARK,
8TH FLOOR, DELTA BLOCK
RAMAGONDANAHALLI,
VARTHUR MAIN ROAD,
WHITEFIELD,
BENGALURU - 560066.
4. FREMONT PROPERTIES LLP,
REP. BY ITS DESIGNATED PARTNERS
8TH FLOOR, DELTA BLOCK SIGMA TECH PARK,
NEAR RAMAGONDANAHALLI VARTHUR,
WHITEFIELD ROAD,
BANGALORE,
KARNATAKA, INDIA - 560066.
5. IMPERIAL DWELLINGS PRIVATE LIMITED
REP. BY ITS BOARD OF DIRECTORS,
HAVING ITS REG. OFFICE AT LEVEL 3 AND 4,
EMBASSY DIAMANTE,
34 VITTAL MALLYA ROAD,
BENGALURU - 560001.

...RESPONDENTS

(BY SRI. NAGARALE SANTOSH SUBHASHCHANDRA, ADVOCATE
FOR R1
SRI. GIRI K, ADVOCATE FOR R1 & R2 (VK NOT FILED IN R/O
R1)
SRI. CHANDRACHOODA R N., ADVOCATE FOR R3
R4 SERVED
SRI. SHIVARUDRAPPA SHETKAR, ADVOCATE FOR R5)

THIS CIVIL MISC. PETITION IS FILED UNDER SEC.11(6)
FOR APPOINTMENT OF ARBITRATOR UNDER THE ARBITRATION



NC: 2026:KHC:9426
CMP No. 202 of 2024
C/W CMP No. 204 of 2024
CMP No. 205 of 2024
AND 17 OTHERS

AND CONCILIATION ACT, 1996 PRAYING TO ALLOW THE PRESENT CIVIL MISCELLANEOUS PETITION AND APPOINT A SOLE ARBITRATOR UNDER THE ARBITRATION AND CONCILIATION ACT, 1996 IN TERMS OF ARTICLE 11 OF THE MASTER SERVICE AGREEMENT DATED 13.04.2019 AT ANNEXURE-B.

IN CMP No. 326/2024

BETWEEN:

MR. AVNEESH ASHOK KUMAR ABROL,
S/O. SRI ASHOK KUMAR PRANNATH ABROL,
AGED ABOUT 35 YEARS,
RESIDING AT # ROW HOUSE NO 1,
CLUSTER 12, KUMAR CITY SOCIETY,
NEAR D MART, KALYANI NAGAR,
VADGAONSHERI, PUNE MAHARASHTRA-411014
REP. BY HIS SPA HOLDER
MR.RATHEESH RAVEENDRAN
S/O. SRI. K.RAVEENDRAN,
AGED ABOUT 49 YEARS,
R/O. D1-1003, GOLDEN PALMS APT,
GOLDEN PALMS ROAD,
K NARAYANAPURA,
BANGALORE - 560077

...PETITIONER

(BY SRI. RAVI S K., ADVOCATE)

AND:

1. SMARTOWNER SERVICES INDIA PRIVATE LIMITED
REP. BY ITS BOARD OF DIRECTORS,
HAVING ITS REG. OFFICE AT
8TH FLOOR, DELTA BLOCK,
SIGMA TECH PARK,
OLD AIRPORT ROAD,
WHITEFIELD, BENGALURU - 560 066.



NC: 2026:KHC:9426
CMP No. 202 of 2024
C/W CMP No. 204 of 2024
CMP No. 205 of 2024
AND 17 OTHERS

2. SMART ASSETS SERVICES INDIA PRIVATE LIMITED
REP. BY ITS BOARD OF DIRECTORS,
HAVING ITS REG. OFFICE AT
151, 9TH MAIN, 6TH SECTOR,
HSR LAYOUT, BENGALURU - 560102.
n
3. STONEHILL PROPERTIES INDIA LLP,
REP. BY ITS DESIGNATED PARTNERS,
HAVING ITS REG. OFFICE AT SIGMA TECH PARK,
8TH FLOOR, DELTA BLOCK
RAMAGONDANAHALLI,
VARTHUR MAIN ROAD,
WHITEFIELD,
BENGALURU - 560066.
4. RODEODRIVE PROPERTIES LLP,
REP. BY ITS DESIGNATED PARTNERS
8TH FLOOR, DELTA BLOCK SIGMA TECH PARK,
NEAR RAMAGONDANAHALLI VARTHUR,
WHITEFIELD ROAD,
BANGALORE,
KARNATAKA, INDIA - 560066.
5. IMPERIAL DWELLINGS PRIVATE LIMITED
REP. BY ITS BOARD OF DIRECTORS,
HAVING ITS REG. OFFICE AT LEVEL 3 AND 4,
EMBASSY DIAMANTE,
34 VITTAL MALLYA ROAD,
BENGALURU - 560001.

...RESPONDENTS

(BY SRI. NAGARALE SANTOSH SUBHASHCHANDRA, ADVOCATE
FOR R1
SRI. GIRI K, ADVOCATE FOR R2
SRI. CHANDRACHOODA R N., ADVOCATE FOR R3
V/O DATED 24.10.2025 SERVICE OF NOTICE TO R4 IS H/S SRI.
SHIVARUDRAPPA SHETKAR, ADVOCATE FOR R5)

THIS CIVIL MISC. PETITION IS FILED UNDER SEC.11(6)
FOR APPOINTMENT OF ARBITRATOR UNDER THE ARBITRATION



NC: 2026:KHC:9426
CMP No. 202 of 2024
C/W CMP No. 204 of 2024
CMP No. 205 of 2024
AND 17 OTHERS

AND CONCILIATION ACT, 1996 PRAYING TO ALLOW THE PRESENT CIVIL MISCELLANEOUS PETITION AND APPOINT A SOLE ARBITRATOR UNDER THE ARBITRATION AND CONCILIATION ACT, 1996 IN TERMS OF ARTICLE 11 OF THE MASTER SERVICE AGREEMENT DATED 07.06.2018 AT ANNEXURE-B.

IN CMP No. 330/2024

BETWEEN:

SMT. SEEMA SHARMA,
WO SHRI VILAS SHARMA
AGED ABOUT 67 YEARS
RESIDING AT MAHIMA CHOWK,
JORAPARA, SARKANDS BIALLSPUR,
CHHUTISHGARH-495001.
REP. BY HER SPA HOLDER
MR. PHALGUN MADIDAILI.
S/O. VENKATA SATYA APPA RAO,
AGED ABOUT 41 YEARS,
R/O. #503, 1TH MAIN ROAD, VYSYA BANK COLONY.
SHANTINIKETAN LAYOUT,
AREKERE,
BANGALORE-560 076.

...PETITIONER

(BY SRI. RAVI S K., ADVOCATE)

AND:

1. SMARTOWNER SERVICES INDIA PRIVATE LIMITED
REP. BY ITS BOARD OF DIRECTORS,
HAVING ITS REG. OFFICE AT
8TH FLOOR, DELTA BLOCK,
SIGMA TECH PARK,
OLD AIRPORT ROAD,
WHITEFIELD,
BENGALURU - 560 066.



NC: 2026:KHC:9426
CMP No. 202 of 2024
C/W CMP No. 204 of 2024
CMP No. 205 of 2024
AND 17 OTHERS

2. SMART ASSETS SERVICES INDIA PRIVATE LIMITED
REP. BY ITS BOARD OF DIRECTORS,
HAVING ITS REG. OFFICE AT
151, 9TH MAIN, 6TH SECTOR,
HSR LAYOUT, BENGALURU - 560102.

3. STONEHILL PROPERTIES INDIA LLP,
REP. BY ITS DESIGNATED PARTNERS,
HAVING ITS REG. OFFICE AT SIGMA TECH PARK,
8TH FLOOR, DELTA BLOCK
RAMAGONDANAHALLI,
VARTHUR MAIN ROAD,
WHITEFIELD,
BENGALURU - 560066.

4. WATERBURY PROPERTIES LLP,
REP. BY ITS DESIGNATED PARTNERS
8TH FLOOR, DELTA BLOCK SIGMA TECH PARK,
NEAR RAMAGONDANAHALLI VARTHUR,
WHITEFIELD ROAD,
BANGALORE,
KARNATAKA, INDIA - 560066.

5. IMPERIAL DWELLINGS PRIVATE LIMITED
REP. BY ITS BOARD OF DIRECTORS,
HAVING ITS REG. OFFICE AT LEVEL 3 AND 4,
EMBASSY DIAMANTE,
34 VITTAL MALLYA ROAD,
BENGALURU - 560001.

...RESPONDENTS

(BY SRI. NAGARALE SANTOSH SUBHASHCHANDRA, ADVOCATE
FOR R1
SRI. GIRI K, ADVOCATE FOR R2
SRI. CHANDRACHOODA R N., ADVOCATE FOR R3
R4 SERVED
SRI. SHIVARUDRAPPA SHETKAR, ADVOCATE FOR R5)

THIS CIVIL MISC. PETITION IS FILED UNDER SEC.11(6)
FOR APPOINTMENT OF ARBITRATOR UNDER THE ARBITRATION



NC: 2026:KHC:9426
CMP No. 202 of 2024
C/W CMP No. 204 of 2024
CMP No. 205 of 2024
AND 17 OTHERS

AND CONCILIATION ACT, 1996 PRAYING TO ALLOW THE PRESENT CIVIL MISCELLANEOUS PETITION AND APPOINT A SOLE ARBITRATOR UNDER THE ARBITRATION AND CONCILIATION ACT, 1996 IN TERMS OF ARTICLE 11 OF THE MASTER SERVICE AGREEMENT DATED 02.02.2019 AT ANNEXURE-B.

IN CMP No. 331/2024

BETWEEN:

SRI. HS DINESH.
S/O. SRI. HC SUNDARAMURTHY
AGED ABOUT 65 YEARS,
RESIDING AT 610, 10TH MAIN
COFFEE BOARD LAYOUT,
HEBBAL
BANGALORE-24,

PETITIONER

(BY SRI. RAVI S K., ADVOCATE)

AND:

1. SMARTOWNER SERVICES INDIA PRIVATE LIMITED
REP. BY ITS BOARD OF DIRECTORS,
HAVING ITS REG. OFFICE AT
8TH FLOOR, DELTA BLOCK,
SIGMA TECH PARK,
OLD AIRPORT ROAD,
WHITEFIELD, BENGALURU - 560 066.
2. SMART ASSETS SERVICES INDIA PRIVATE LIMITED
REP. BY ITS BOARD OF DIRECTORS,
HAVING ITS REG. OFFICE AT
151, 9TH MAIN, 6TH SECTOR,
HSR LAYOUT, BENGALURU - 560102.
3. STONEHILL PROPERTIES INDIA LLP,
REP. BY ITS DESIGNATED PARTNERS,
HAVING ITS REG. OFFICE AT SIGMA TECH PARK,



NC: 2026:KHC:9426
CMP No. 202 of 2024
C/W CMP No. 204 of 2024
CMP No. 205 of 2024
AND 17 OTHERS

8TH FLOOR, DELTA BLOCK
RAMAGONDANAHALLI,
VARTHUR MAIN ROAD,
WHITEFIELD,
BENGALURU - 560066.

4. RODEODRIVE PROPERTIES LLP,
REP. BY ITS DESIGNATED PARTNERS
8TH FLOOR, DELTA BLOCK SIGMA TECH PARK,
NEAR RAMAGONDANAHALLI VARTHUR,
WHITEFIELD ROAD,
BANGALORE,
KARNATAKA, INDIA - 560066.

5. IMPERIAL DWELLINGS PRIVATE LIMITED
REP. BY ITS BOARD OF DIRECTORS,
HAVING ITS REG. OFFICE AT LEVEL 3 AND 4,
EMBASSY DIAMANTE,
34 VITTAL MALLYA ROAD,
BENGALURU - 560001.

...RESPONDENTS

(BY SRI. NAGARALE SANTOSH SUBHASHCHANDRA, ADVOCATE
FOR R1
SRI. GIRI K, ADVOCATE FOR R2
SRI. CHANDRACHOODA R N., ADVOCATE FOR R3
SRI. SHIVARUDRAPPA SHETKAR, ADVOCATE FOR R5)

THIS CIVIL MISC. PETITION IS FILED UNDER SEC.11(6)
FOR APPOINTMENT OF ARBITRATOR UNDER THE ARBITRATION
AND CONCILIATION ACT, 1996 PRAYING TO ALLOW THE
PRESENT CIVIL MISCELLANEOUS PETITION AND APPOINT A
SOLE ARBITRATOR UNDER THE ARBITRATION AND
CONCILIATION ACT, 1996 IN TERMS OF ARTICLE 11 OF THE
MASTER SERVICE AGREEMENT DATED 26.02.2019 AT
ANNEXURE-A.



**NC: 2026:KHC:9426
CMP No. 202 of 2024
C/W CMP No. 204 of 2024
CMP No. 205 of 2024
AND 17 OTHERS**

IN CMP No. 332/2024

BETWEEN:

SMT. MANGALA PATIL,
D/O SRI. BAPUGOUDA,
AGED ABOUT 39 YEARS,
RESIDING AT # NEAR MILAN BAR,
AZAD ROAD, BIJAPUR.
KARNATAKA-586 101
REP. BY HER SPA HOLDER
MR. PRADEEP CL,
S/O. LATE SRI. LOKESH CN.
AGED ABOUT 42 YEARS.
RO. NO.1031. 27TH MAIN, 9TH BLOCK.
JAYANAGAR
BANGALORE - 560 069.

...PETITIONER

(BY SRI. RAVI S K., ADVOCATE)

AND:

1. SMARTOWNER SERVICES INDIA PRIVATE LIMITED
REP. BY ITS BOARD OF DIRECTORS,
HAVING ITS REG. OFFICE AT
8TH FLOOR, DELTA BLOCK,
SIGMA TECH PARK,
OLD AIRPORT ROAD,
WHITEFIELD, BENGALURU - 560 066.
2. SMART ASSETS SERVICES INDIA PRIVATE LIMITED
REP. BY ITS BOARD OF DIRECTORS,
HAVING ITS REG. OFFICE AT
151, 9TH MAIN, 6TH SECTOR,
HSR LAYOUT, BENGALURU - 560102.
3. STONEHILL PROPERTIES INDIA LLP,
REP. BY ITS DESIGNATED PARTNERS,
HAVING ITS REG. OFFICE AT SIGMA TECH PARK,
8TH FLOOR, DELTA BLOCK



NC: 2026:KHC:9426
CMP No. 202 of 2024
C/W CMP No. 204 of 2024
CMP No. 205 of 2024
AND 17 OTHERS

RAMAGONDANAHALLI,
VARTHUR MAIN ROAD,
WHITEFIELD,
BENGALURU - 560066.

4. ANTIOCH PROPERTIES LLP,
REP. BY ITS DESIGNATED PARTNERS
8TH FLOOR, DELTA BLOCK SIGMA TECH PARK,
NEAR RAMAGONDANAHALLI VARTHUR,
WHITEFIELD ROAD,
BANGALORE,
KARNATAKA, INDIA - 560066.
5. IMPERIAL DWELLINGS PRIVATE LIMITED
REP. BY ITS BOARD OF DIRECTORS,
HAVING ITS REG. OFFICE AT LEVEL 3 AND 4,
EMBASSY DIAMANTE,
34 VITTAL MALLYA ROAD,
BENGALURU - 560001.

...RESPONDENTS

(BY SRI. NAGARALE SANTOSH SUBHASHCHANDRA, &
SRI. GIRI K., ADVOCATES FOR R1 (JOINT VK FILED)
SRI. GIRI K, ADVOCATE FOR R2
SRI. CHANDRACHOODA R N., ADVOCATE FOR R3
R4 SERVED
SRI. SHIVARUDRAPPA SHETKAR, ADVOCATE FOR R5)

THIS CIVIL MISC. PETITION IS FILED UNDER SEC.11(6)
FOR APPOINTMENT OF ARBITRATOR UNDER THE ARBITRATION
AND CONCILIATION ACT, 1996 PRAYING TO ALLOW THE
PRESENT CIVIL MISCELLANEOUS PETITION AND APPOINT A
SOLE ARBITRATOR UNDER THE ARBITRATION AND
CONCILIATION ACT, 1996 IN TERMS OF ARTICLE 11 OF THE
MASTER SERVICE AGREEMENT DATED 24.11.2018 AND
26.11.2018 AT ANNEXURE-B.



NC: 2026:KHC:9426
CMP No. 202 of 2024
C/W CMP No. 204 of 2024
CMP No. 205 of 2024
AND 17 OTHERS

IN CMP No. 333/2024

BETWEEN:

EACCOUNTANTS SERVICES (INDIA) PRIVATE
LIMITED
REPRESENTED BY ITS BOARD OF DIRECTORS,
KRISHNA, PLOT 203, SECTOR 8, VASHI,
NAVI MUMBAI-400 703.
REP. BY HER SPA HOLDER
MR. SATYANARAYANA VENKATA NUNNA,
S/O. NUNNA NAGESHWARA RAO.
AGED ABOUT 53 YEARS,
R/O. FLAT NO 105, MY NEST KEERTHI REVERIA
APARTMENT, 6TH MAIN,
6 'G' CROSS, KAGGADASPURA,
BANGALORE-560069.

....PETITIONER

(BY SRI. RAVI S K., ADVOCATE)

AND:

1. SMARTOWNER SERVICES INDIA PRIVATE LIMITED
REP. BY ITS BOARD OF DIRECTORS,
HAVING ITS REG. OFFICE AT
8TH FLOOR, DELTA BLOCK,
SIGMA TECH PARK,
OLD AIRPORT ROAD,
WHITEFIELD, BENGALURU - 560 066.
2. SMART ASSETS SERVICES INDIA PRIVATE LIMITED
REP. BY ITS BOARD OF DIRECTORS,
HAVING ITS REG. OFFICE AT
151, 9TH MAIN, 6TH SECTOR,
HSR LAYOUT, BENGALURU - 560102.
3. STONEHILL PROPERTIES INDIA LLP,
REP. BY ITS DESIGNATED PARTNERS,
HAVING ITS REG. OFFICE AT SIGMA TECH PARK,
8TH FLOOR, DELTA BLOCK



NC: 2026:KHC:9426
CMP No. 202 of 2024
C/W CMP No. 204 of 2024
CMP No. 205 of 2024
AND 17 OTHERS

RAMAGONDANAHALLI,
VARTHUR MAIN ROAD,
WHITEFIELD,
BENGALURU - 560066.

4. SPRINGDEW PROPERTIES LLP,
REP. BY ITS DESIGNATED PARTNERS
8TH FLOOR, DELTA BLOCK SIGMA TECH PARK,
NEAR RAMAGONDANAHALLI VARTHUR,
WHITEFIELD ROAD,
BANGALORE,
KARNATAKA, INDIA - 560066.
5. IMPERIAL DWELLINGS PRIVATE LIMITED
REP. BY ITS BOARD OF DIRECTORS,
HAVING ITS REG. OFFICE AT LEVEL 3 AND 4,
EMBASSY DIAMANTE,
34 VITTAL MALLYA ROAD,
BENGALURU - 560001.

...RESPONDENTS

(BY SRI. NAGARALE SANTOSH SUBHASHCHANDRA, &
SRI. GIRI K., ADVOCATES FOR R1 (JOINT VK FILED)
SRI. GIRI K, ADVOCATE FOR R2
SRI. CHANDRACHOODA R N., ADVOCATE FOR R3
R4 & R5 ARE SERVED)

THIS CIVIL MISC. PETITION IS FILED UNDER SEC.11(6)
FOR APPOINTMENT OF ARBITRATOR UNDER THE ARBITRATION
AND CONCILIATION ACT, 1996 PRAYING TO ALLOW THE
PRESENT CIVIL MISCELLANEOUS PETITION AND APPOINT A
SOLE ARBITRATOR UNDER THE ARBITRATION AND
CONCILIATION ACT, 1996 IN TERMS OF ARTICLE 11 OF THE
MASTER SERVICE AGREEMENT DATED 25.06.2017 AND
26.06.2017 AT ANNEXURE-B.

IN CMP No. 353/2024

BETWEEN:

SMT. KATTA LAKSHMI,



NC: 2026:KHC:9426
CMP No. 202 of 2024
C/W CMP No. 204 of 2024
CMP No. 205 of 2024
AND 17 OTHERS

W/O MR. KATTA SESHIAH,
AGED ABOUT 55 YEARS
R/O AT # 127, USHODAYA ENCLAVE,
INDRA REDDY ALWYN COLONY,
MADEENAGUDA
HYDERABAD-500049.
REP. BY HIS SPA HOLDER
MR. RATHEESH RAVEENDRAN
S/O.SRI. K. RAVEENDRAN
AGED ABOUT 49 YEARS
R/O.NO.D1-1003, GOLDEN PALMS APT,
GOLDEN PALMS ROAD
K NARAYANAPURA,
BANGALORE - 560077

...PETITIONER

(BY SRI. RAVI S K., ADVOCATE)

AND:

1. SMARTOWNER SERVICES INDIA PRIVATE LIMITED
REP. BY ITS BOARD OF DIRECTORS,
HAVING ITS REG. OFFICE AT
8TH FLOOR, DELTA BLOCK,
SIGMA TECH PARK,
OLD AIRPORT ROAD,
WHITEFIELD, BENGALURU - 560 066.
2. SMART ASSETS SERVICES INDIA PRIVATE LIMITED
REP. BY ITS BOARD OF DIRECTORS,
HAVING ITS REG. OFFICE AT
151, 9TH MAIN, 6TH SECTOR,
HSR LAYOUT,
BENGALURU - 560102.
3. STONEHILL PROPERTIES INDIA LLP,
REP. BY ITS DESIGNATED PARTNERS,
HAVING ITS REG. OFFICE AT SIGMA TECH PARK,
8TH FLOOR, DELTA BLOCK
RAMAGONDANAHALLI,
VARTHUR MAIN ROAD,



NC: 2026:KHC:9426
CMP No. 202 of 2024
C/W CMP No. 204 of 2024
CMP No. 205 of 2024
AND 17 OTHERS

WHITEFIELD,
BENGALURU - 560066.

4. FREMONT PROPERTIES LLP,
REP. BY ITS DESIGNATED PARTNERS
8TH FLOOR, DELTA BLOCK SIGMA TECH PARK,
NEAR RAMAGONDANAHALLI VARTHUR,
WHITEFIELD ROAD,
BANGALORE,
KARNATAKA, INDIA - 560066.
5. IMPERIAL DWELLINGS PRIVATE LIMITED
REP. BY ITS BOARD OF DIRECTORS,
HAVING ITS REG. OFFICE AT LEVEL 3 AND 4,
EMBASSY DIAMANTE,
34 VITTAL MALLYA ROAD,
BENGALURU - 560001.

...RESPONDENTS

(BY SRI. NAGARALE SANTOSH SUBHASHCHANDRA, &
SRI. GIRI K., ADVOCATES FOR R1 (JOINT VK FILED)
SRI. GIRI K, ADVOCATE FOR R2
SRI. CHANDRACHOODA R N., ADVOCATE FOR R3
R4 SERVED
SRI. SHIVARUDRAPPA SHETKAR, ADVOCATE FOR R5)

THIS CIVIL MISC. PETITION IS FILED UNDER SEC.11(6)
FOR APPOINTMENT OF ARBITRATOR UNDER THE ARBITRATION
AND CONCILIATION ACT, 1996 PRAYING TO ALLOW THE
PRESENT CIVIL MISCELLANEOUS PETITION AND APPOINT A
SOLE ARBITRATOR UNDER THE ARBITRATION AND
CONCILIATION ACT, 1996 IN TERMS OF ARTICLE 11 OF THE
MASTER SERVICE AGREEMENT DATED 03.07.2017 AT
ANNEXURE-B.

IN CMP No. 375/2024
BETWEEN:

SRI. KAUSHIK SHANBOUG VIDURA PRASAD,
S/O. SRI. SHANBOUG VIDURA PRASAD,



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CMP No. 202 of 2024
C/W CMP No. 204 of 2024
CMP No. 205 of 2024
AND 17 OTHERS

AGED ABOUT 35 YEARS,
RESIDING AT 44516 FENWICK DR,
CANTON, MI, 48188.
REPRESENTED BY ITS POA HOLDER,
SRI. VENKATA SATHYANARAYANA NUNNA,
S/O. NAGESWARA RAO,
AGED ABOUT 53 YEARS,
R/O. #B 105 KEERTHI RIVIERA APARTMENTS,
6TH G CROSS,
NEAR AISHWARIYA LAKEVIEW APARTMENTS,
KAGGADASAPURA,
BENGALURU - 560 093.

...PETITIONER

(BY SRI. RAVI S K., ADVOCATE)

AND:

1. SMARTOWNER SERVICES INDIA PRIVATE LIMITED
REP. BY ITS BOARD OF DIRECTORS,
HAVING ITS REG. OFFICE AT
8TH FLOOR, DELTA BLOCK,
SIGMA TECH PARK,
OLD AIRPORT ROAD,
WHITEFIELD, BENGALURU - 560 066.
2. SMART ASSETS SERVICES INDIA PRIVATE LIMITED
REP. BY ITS BOARD OF DIRECTORS,
HAVING ITS REG. OFFICE AT
151, 9TH MAIN, 6TH SECTOR,
HSR LAYOUT, BENGALURU - 560102.
3. STONEHILL PROPERTIES INDIA LLP,
REP. BY ITS DESIGNATED PARTNERS,
HAVING ITS REG. OFFICE AT SIGMA TECH PARK,
8TH FLOOR, DELTA BLOCK
RAMAGONDANAHALLI,
VARTHUR MAIN ROAD,
WHITEFIELD,
BENGALURU - 560066.



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4. ANTIOCH PROPERTIES LLP,
REP. BY ITS DESIGNATED PARTNERS
8TH FLOOR, DELTA BLOCK SIGMA TECH PARK,
NEAR RAMAGONDANAHALLI VARTHUR,
WHITEFIELD ROAD,
BANGALORE,
KARNATAKA, INDIA - 560066.

5. IMPERIAL DWELLINGS PRIVATE LIMITED
REP. BY ITS BOARD OF DIRECTORS,
HAVING ITS REG. OFFICE AT LEVEL 3 AND 4,
EMBASSY DIAMANTE,
34 VITTAL MALLYA ROAD,
BENGALURU - 560001.

...RESPONDENTS

(BY SRI. NAGARALE SANTOSH SUBHASHCHANDRA, &
SRI. GIRI K., ADVOCATES FOR R1 (JOINT VK FILED)
SRI. GIRI K, ADVOCATE FOR R2
SRI. CHANDRACHOODA R N., ADVOCATE FOR R3
R4 SERVED
SRI. SHIVARUDRAPPA SHETKAR, ADVOCATE FOR R5)

THIS CIVIL MISC. PETITION IS FILED UNDER SEC.11(6)
FOR APPOINTMENT OF ARBITRATOR UNDER THE ARBITRATION
AND CONCILIATION ACT, 1996 PRAYING TO ALLOW THE
PRESENT CIVIL MISCELLANEOUS PETITION AND APPOINT A
SOLE ARBITRATOR UNDER THE ARBITRATION AND
CONCILIATION ACT, 1996 IN TERMS OF ARTICLE 11 OF THE
MASTER SERVICE AGREEMENT DATED 27.01.2019 &
28.01.2019 ANNEXURE-B.

IN CMP No. 413/2024

BETWEEN:

SRI. ABHINEET SHRIVASTAVA,
S/O SHRIMOHAN SHRIVASTAVA,
AGED ABOUT 41 YEARS



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CMP No. 202 of 2024
C/W CMP No. 204 of 2024
CMP No. 205 of 2024
AND 17 OTHERS

RESIDING AT FLAT NO.2F(3/4 BHK APARTMENTS),
SHALIMAR BAGH SOCIETY:
PUNDAG, RANCHI, JHARKHAND.
REP. BY HIS SPA HOLDER
MR. RATHEESH RAVEENDRAN
S/O.SRI. K.RAVEENDRAN
AGED ABOUT 49 YEARS, R/O.NO.D1-1003,
GOLDEN PALMS APT, GOLDEN PALMS ROAD,
K NARAYANAPURA, BANGALORE - 560077

...PETITIONER

(BY SRI. RAVI S K., ADVOCATE)

AND:

1. SMARTOWNER SERVICES INDIA PRIVATE LIMITED
REP. BY ITS BOARD OF DIRECTORS,
HAVING ITS REG. OFFICE AT
8TH FLOOR, DELTA BLOCK,
SIGMA TECH PARK,
OLD AIRPORT ROAD,
WHITEFIELD, BENGALURU - 560 066.
2. SMART ASSETS SERVICES INDIA PRIVATE LIMITED
REP. BY ITS BOARD OF DIRECTORS,
HAVING ITS REG. OFFICE AT
151, 9TH MAIN, 6TH SECTOR,
HSR LAYOUT, BENGALURU - 560102.
3. STONEHILL PROPERTIES INDIA LLP,
REP. BY ITS DESIGNATED PARTNERS,
HAVING ITS REG. OFFICE AT SIGMA TECH PARK,
8TH FLOOR, DELTA BLOCK
RAMAGONDANAHALLI,
VARTHUR MAIN ROAD,
WHITEFIELD,
BENGALURU - 560066.
4. SPRINGEDEV PROPERTIES INDIA LLP,
REP. BY ITS DESIGNATED PARTNERS
8TH FLOOR, DELTA BLOCK SIGMA TECH PARK,
NEAR RAMAGONDANAHALLI VARTHUR,



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WHITEFIELD ROAD,
BANGALORE,
KARNATAKA, INDIA - 560066.

5. IMPERIAL DWELLINGS PRIVATE LIMITED
REP. BY ITS BOARD OF DIRECTORS,
HAVING ITS REG. OFFICE AT LEVEL 3 AND 4,
EMBASSY DIAMANTE,
34 VITTAL MALLYA ROAD,
BENGALURU - 560001.

...RESPONDENTS

(BY SRI. SANTOSH S NAGARALE, & SRI. GIRI K., ADVOCATE
FOR R1 (JOINT VK FILED)
SRI. GIRI K, ADVOCATE FOR R2
SRI. CHANDRACHOODA R N., ADVOCATE FOR R3
R4 SERVED
SRI. SHIVARUDRAPPA SHETKAR, ADVOCATE FOR R5)

THIS CIVIL MISC. PETITION IS FILED UNDER SEC.11(6)
FOR APPOINTMENT OF ARBITRATOR UNDER THE ARBITRATION
AND CONCILIATION ACT, 1996 PRAYING TO ALLOW THE
PRESENT CIVIL MISCELLANEOUS PETITION AND APPOINT A
SOLE ARBITRATOR UNDER THE ARBITRATION AND
CONCILIATION ACT, 1996 IN TERMS OF ARTICLE 11 OF THE
MASTER SERVICE AGREEMENT DATED 10.11.2017 &
11.11.2017 ANNEXURE-B.

IN CMP No. 375/2025

BETWEEN:

MR. V RANGANATHAM
AGED ABOUT 66 YEARS
S/O MR. S VIJAYARAGHAVACHARI



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C/W CMP No. 204 of 2024
CMP No. 205 of 2024
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R/AT 3B, GRN KODIAYALAM, No.16
5TH STREET THIRUMURTHY NAGAR
NUNGAMBAKKAM
CHENNAI – 600034

...PETITIONER

(BY SRI. NIDHISHREE B.V., ADVOCATE)

AND:

M/S SMARTOWNER SERVICES INDIA PRIVATE
LIMITED
REGISTERED UNDER COMPANIES ACT, 2013
HAVING ITS REG. OFFICE AT
8TH FLOOR, DELTA BLOCK,
SIGMA TECH PARK,
VARTHUR MAIN ROAD
WHITEFIELD,
BENGALURU - 560 066.
REPRESENTED BY ITS DIRECTOR.

...RESPONDENT

(BY SRI. SANTOSH S NAGARALE, ADVOCATE) (VK NOT FILED)

THIS CIVIL MISC. PETITION IS FILED UNDER SEC.11(6) FOR APPOINTMENT OF ARBITRATOR UNDER THE ARBITRATION AND CONCILIATION ACT, 1996 PRAYING TO APPOINT THE ARBITRATOR SUGGESTED AT PARAGRAPH 20 ABOVE, OR ANY OTHER ARBITRATOR AS THIS HON'BLE COURT DEEMS PROPER, AS THE SOLE ARBITRATOR UNDER CLAUSE 9 OF THE MASTER SERVICE AGREEMENT (ANNEXURE-A-3) EXECUTED ON 27.07.2022 AND 02.08.2022 BETWEEN THE PARTIES REFERRED TO SUPRA, FOR ADJUDICATION OF DISPUTES THAT HAVE ARISEN BETWEEN THE PETITIONER AND THE RESPONDENT TO BE CONDUCTED AT THE ARBITRATION CENTER OF KARNATAKA AT BENGALURU IN ACCORDANCE WITH THE ARBITRATION CENTRE.

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



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CORAM: HON'BLE MR. JUSTICE ASHOK S.KINAGI

ORAL ORDER

1. These Civil Miscellaneous petitions No.202, 204, 205, 208, 209, 271, 300, 304, 312, 317, 322, 326, 330, 331, 332, 333, 353, 375, 413, of 2024 are filed under Section 11(6) of the Arbitration and Conciliation Act, 1996 for the appointment of an arbitrator to resolve the arbitral dispute between the parties to the petition in terms of Article 11 of the Master Service Agreement dated 12.11.2018, 23.03.2018, 05.11.2018, 21.06.2017, 01.08.2019, 26.02.2019, 11.03.2019, 19.05.2019, 23.05.2018, 22.10.2018, 11.09.2017, 01.08.2019, 13.04.2019, 07.06.2018, 02.02.2019, (24.11.2018 and 26.11.2018) (25.06.2017 and 26.06.2017), 03.07.2017, (27.01.2019 and 28.01.2019), 10.11.2017 and 11.11.2017 respectively, as per the



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provisions of the Arbitration and Conciliation Act, 1996 and the Rules.

2. Brief facts, leading rise to the filing of these petitions are as follows:

3. The Master Service Agreement was executed between the petitioners and respondent No.1 on 12.11.2018, 23.03.2018, 05.11.2018, 21.06.2017, 01.08.2019, 26.02.2019, 11.03.2019, 19.05.2019, 23.05.2018, 22.10.2018, 11.09.2017, 01.08.2019, 13.04.2019, 07.06.2018, 02.02.2019, (24.11.2018 and 26.11.2018) (25.06.2017 and 26.06.2017), 03.07.2017, (27.01.2019 and 28.01.2019), 10.11.2017 and 11.11.2017 respectively.

Respondent No.1 executed a first supplementary to Limited Liability Partnership Agreement along with respondent Nos.2, 3 and the petitioners on 28.12.2018, 30.03.2019, 27.06.2019, 28.09.2018, 27.02.2020, 27.06.2019, 30.03.2019, 27.06.2019, 28.09.2018, 28.09.2018. Respondent No.4 is the



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Limited Liability Partnership whose operations are governed by the respondent No.3. In CMP 304/2024-respondent No.3 is the Limited Liability Partnership whose operations are governed by the respondent No.4 and respondent No.4 is the private limited company. Respondent No.5 is the private limited company, who is developing the project, in which the investment is made by the petitioners. The respondent Nos.2 to 5 are all the SPV (Special Purpose Vehicles) and allied companies of respondent No.1. The last payment of fixed quarterly payment was made by the respondent companies on 10.04.2022, 08.04.2022. The tenure of first supplementary to limited liability partnership agreement dated 28.12.2023, 30.03.2024, 28.12.2018, 29.12.2023, 27.09.2023, 26.09.2023, 30.03.2019, 24.02.2024, 27.09.2023 was concluded and the respondents were liable to make the terminal payout.



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4. There is an arbitration clause in the Liability Limited Partnership Agreement for resolving the arbitral dispute arise out of the terms and conditions. The arbitral dispute arose between the petitioners and respondents. The petitioners invoked an arbitration clause by issuing arbitration notice dated 25.01.2024, 15.02.2024, 29.01.2024, 30.01.2024, 06.02.2024, 17.02.2024, 24.02.2024, 12.02.2024, 30.01.2024, 16.02.2024, 29.01.2024, 07.08.2024 and 02.04.2024 under Section 21 of the Arbitration and Conciliation Act, 1996. Respondent No.1 replied to the arbitration notice. In CMP Nos.304, 322, 326, 330, 332, 333, 353, 375, 413/2024, the respondents have not replied to the arbitration notice. Hence, these petitions and accordingly, prays to allow the petitions.

5. Respondent No.1 filed a statement of objections raising several grounds on the merits. It is contended that there is an arbitral dispute arose between the



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petitioners and the respondents. Hence, the question of nominating arbitrator does not arise. Accordingly, prays to dismiss the petitions.

6. In CMP 202/2024, Respondent No.2 filed a separate statement of objections denying the averments made in the petition. It is contended that respondent No.2 is not a party to Master Service Agreement. Hence, question of invoking the arbitration clause in the Master Service Agreement do not arise and impleading respondent No.2 in this petition has been fraudulent and misrepresented the terms of the supplementary LLP agreement, and nature of the transaction between respondent No.2 and the petitioner. Hence, prays to dismiss the petition against respondent No.2.
7. Respondent No.3 filed a statement of objections reiterating the statement of objections filed by respondent No.2. Hence, prays to dismiss the petitions against respondent No. 3.



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8. In CMP Nos.204/2024, 205/2024, 304/2024 respondent No.3 filed a statement of objections contending that respondent No.3 is a separate and independent partnership firm, which is neither a party nor a signatory to the Master Services Agreement nor the First Supplementary LLP Agreement. The petitioner has wrongly impleaded respondent No.3 on account of typographical error contained in the First Supplementary LLP Agreement. Hence, on this ground, prays to dismiss the petitions against respondent No.3.
9. Heard the arguments of the learned counsel for the parties to the petitions.
10. Learned counsel for the petitioners submits that arbitral dispute arose between the parties to the petitions and the same shall be resolved through the arbitration. He submits that insofar as respondent Nos.2 to 5 are concerned, they can raise all the contentions before the arbitral Tribunal. He submits



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that in an identical matters the Co-ordinate Bench in CMP No.382 of 2021 and connected matters vide order dated 22.02.2022 nominated Sri Vishwanath V Angadi, retired District Judge to act as a sole arbitrator. He submits the petition may be disposed of in terms of aforesaid Civil Miscellaneous Petition. Hence, prays to allow the petition.

11. Learned counsel for respondent No.1 submits that the application filed by the petitioner for the appointment of an arbitrator is barred by limitation. He submits that respondent Nos.2 to 5 are not parties to the LLP. Hence, the petition against respondent Nos.2 to 5 is not maintainable. Hence, on these grounds, he prays to dismiss the petition.

12. Learned counsel for respondent Nos.2 to 5 submits that they are not the parties to the agreement executed between the petitioner and respondent No.1. Hence, the petition filed against respondent Nos.2 to 5 is not maintainable and accordingly, on



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this ground, prays to dismiss the petition against respondent Nos.2 to 5.

13. Perused the records, and considered the submissions of the learned counsel for the parties.
14. The point, that would arise for consideration is as follows:

"Whether the petitioners have made a ground to refer the dispute to the arbitration in terms of Article 11 of the Master's Service Agreement dated 12.11.2018, 23.03.2018, 05.11.2018, 21.06.2017, 01.08.2019, 26.02.2019, 11.03.2019, 19.05.2019, 23.05.2018, 22.10.2018, 11.09.2017, 01.08.2019, 13.04.2019, 07.06.2018, 02.02.2019, (24.11.2018 and 26.11.2018) (25.06.2017 and 26.06.2017), 03.07.2017, (27.01.2019 and 28.01.2019), 10.11.2017 and 11.11.2017 respectively as per the provisions of the Arbitration and Conciliation Act, 1996 and the rules?"



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15. It is an undisputed fact that the petitioners and respondent No.1 entered into Master Service Agreement on 12.11.2018, 23.03.2018, 05.11.2018, 21.06.2017, 01.08.2019, 26.02.2019, 11.03.2019, 19.05.2019, 23.05.2018, 22.10.2018, 11.09.2017, 01.08.2019, 13.04.2019, 07.06.2018, 02.02.2019, (24.11.2018 and 26.11.2018) (25.06.2017 and 26.06.2017), 03.07.2017, (27.01.2019 and 28.01.2019), 10.11.2017 and 11.11.2017 respectively and subsequently executed a first supplementary to the Limited Liability Partnership Agreement along with respondent Nos.2, 3 and the petitioners on 28.12.2018, 30.03.2019, 27.06.2019, 28.09.2018, 27.02.2020, 27.06.2019, 30.03.2019, 27.06.2019, 28.09.2018, 28.09.2018. Respondent No. 4 is the Limited Liability Partnership, whose operations are governed by respondent No.3. Respondent No.5 is a private limited company. The last payment of fixed quarterly payout was made out



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by the respondent company on 10.04.2022, 08.04.2022 and the tenure of the first supplementary to the Limited Liability Partnership Agreement was concluded and the respondents are liable to make terminal payout.

16. From the perusal of the Master Service Agreement dated 12.11.2018, 23.03.2018, 05.11.2018, 21.06.2017, 01.08.2019, 26.02.2019, 11.03.2019, 19.05.2019, 23.05.2018, 22.10.2018, 11.09.2017, 01.08.2019, 13.04.2019, 07.06.2018, 02.02.2019, (24.11.2018 and 26.11.2018) (25.06.2017 and 26.06.2017), 03.07.2017, (27.01.2019 and 28.01.2019), 10.11.2017 and 11.11.2017 respectively there is clause 11 provides the arbitration clause which reads as follows:

11- "Government law jurisdiction and exspute resolution"

All the questions concerning the construction, validity and interpretation of



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this agreement will be governed by the laws of India, and subject to this clause, the courts at Bangalore shall have exclusive jurisdiction. The parties shall amicably resolve any and all disputes arising out of or in connection with this agreement, failing which, the dispute shall be settled in accordance with the provisions of the Arbitration and Conciliation Act, 1996. The parties shall mutually appoint a sole arbitrator to conduct the arbitration proceedings. The venue for arbitration shall be Bangalore and the language for arbitration shall be English.

17. The petitioners invoked an arbitration clause under Article 11 of the Master Service Agreement by issuing notices under Section 21 of the Arbitration and Conciliation Act, 1996, proposing the name of an arbitrator.
18. None of the respondents have concurred in appointing the arbitrator.



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19. Admittedly, there is an arbitration clause in the Master Service Agreement dated 12.11.2018, 23.03.2018, 05.11.2018, 21.06.2017, 01.08.2019, 26.02.2019, 11.03.2019, 19.05.2019, 23.05.2018, 22.10.2018, 11.09.2017, 01.08.2019, 13.04.2019, 07.06.2018, 02.02.2019, (24.11.2018 and 26.11.2018) (25.06.2017 and 26.06.2017), 03.07.2017, (27.01.2019 and 28.01.2019), 10.11.2017 and 11.11.2017 respectively, and the dispute arose between the parties to the petitions. The said dispute has to be resolved through an arbitration.
20. Learned counsel for respondent No.1 submits that the petition filed by the petitioners under Section 11(6) is barred by limitation. As far as claim of the petitioner is concerned, as to whether the claim was dead or time-barred claim is to be decided by the arbitrator. The scope of judicial intervention under Section 11 of the Act is restricted to the situation



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that the judicial authorities to find out that arbitration agreement does exists or is null and void. The scope of examination is now confined only to the existence of the arbitration agreement.

21. The learned counsel for respondent Nos.2 to 5 submits that they are not the parties to the Master Service Agreement. Hence application filed under Section 11 is not maintainable. The Hon'ble Supreme Court had an occasion to consider the said issue in the case of ***Hindustan Petroleum Corporation Ltd. v. BCL Secure Premises Private Ltd¹***, wherein the Apex Court had to consider the issue of misjoinder of necessary parties.

22. The Hon'ble Apex Court in the case of ***Hindustan Petroleum Corporation Ltd. (supra)*** has held that the scope of jurisdiction of referral Court, hearing a Section 11 petition, when faced with an issue of a joinder of a non-signatory to the arbitration

¹ 2025 SCC Online SC 2746



agreement, has been lucidly set out by the five Benches of the Hon'ble Apex Court in ***Cox and Kings Ltd. v. SAP India. Pvt. Ltd. and another***², wherein the Hon'ble Supreme Court held that if the referral court *prima facie* arrives at the satisfaction that a non-signatory is veritable party, then only the arbitral tribunal is not denuded of its jurisdiction to decide whether non-signatory is indeed a party to the arbitration agreement on the basis of factual evidence and application of legal doctrine.

23. The Referral Court has a limited scope to enquire for the purpose of examining whether Section 11(6) of the Act, 1996, whether the application has been filed within the limitation of 3 years or not. At this stage, it would not be proper for the referral Court to indulge in intricate evidentiary inquiry into the question of whether the claim raised by the petitioner

² (2024) 4 SCC 1



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is time-barred. Such determination must be left to the decision of the Arbitral Tribunal.

24. Considering the proposition of law laid down by the Hon'ble Apex Court in the cases referred supra, the petitioner has made out a ground to refer the arbitral dispute to the arbitration. Similarly placed petitioners approached this Court in Civil Miscellaneous Petition No. 382 of 2021 and connected petitions and the said petitions came to be disposed of vide order dated 22.02.2022 and this Court appointed Sri Vishwanath V Angadi retired District Judge to act as a sole arbitrator. Accordingly, I answer the point in the ***affirmative.***

CMP No.375/2025:

25. In CMP No.375 of 2025, the petitioner filed the Civil Miscellaneous petition under Section 11(6) of the Arbitration and Conciliation Act, 1986 for the appointment of an arbitrator to resolve the dispute



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between the parties to the petition in terms of clause 9 of the Master Service Agreement executed on 27.07.2022 and 02.08.2022 vide Annexure-A3, as per the provisions of Arbitration and Conciliation Act and the Rules.

26. Brief facts, leading rise to the filing of this petition are as follows:

27. The petitioner purchased 300 square feet unit, paying ₹40,33,000/- (100% down payment at ₹13,440/- per square feet) in the project 'One Hebbal' and the respondent assured the petitioner that the construction would be completed within a period of 24 months from the time of investment in the said project. The petitioner signs the one Hebbal application form, a Master Service Agreement and a General Power Of Attorney in favour of a third party, M/s. Smart Assets Services India Private Limited came to be entered into on 27.07.2022 and 02.08.2022. The representative of the respondent



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informed the petitioner about the launch of a new commercial project, "The Summit", in Whitefield, Bengaluru, which was scheduled to begin construction much sooner. Based on this, the petitioner urged transfer his investment from one Hebbal to the alternative project 'The Summit'. The petitioner was not inclined to accept the option i.e., switch from 'One Hebbal' to 'The Summit'. The petitioner preferred to seek an early exit from the project 'One Hebbal'.

28. The petitioner issued a legal notice on 23.07.2024 requesting them to hand over all the documents in their custody and full refund of ₹ 40,33,000/- towards the purchase of 300 square feet in 'One Hebbal'. A Notice also requested interest at 24% per annum. Further, the petitioner invoked an arbitration clause and proposed the name of Smt. Rahat Afshan H.N., retired Senior Civil Judge as a



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sole arbitrator. The respondent has not replied to the same. Hence, this petition.

29. Learned counsel for the respondent submits no objection to allow the petition.

30. Perused the records, and considered the submissions of the learned counsel for the parties.

31. The point, that would arise for consideration is as follows:

"Whether the petitioner has made a ground to refer the dispute to the arbitration in terms of Article 9 of the Master's Service Agreement dated 27.07.2022 and 02.08.2022 as per the provisions of the Arbitration and Conciliation Act, 1996 and the rules?"

32. The petitioner and respondent entered into a Master Service Agreement and GPA on 27.07.2022 and 2.08.2022. The respondent did not refund the amount since the petitioner wanted to switch the



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project. The petitioner issued a legal notice calling upon the respondent to hand over all the documents in their custody and full refund of ₹40,33,000/-. Though notice was served on the respondent, but the respondent did not reply to the demand notice. There is an arbitration clause in the Master Service Agreement at clause 9 which reads as follows:

9- "Governing Law, Jurisdiction and Dispute Resolution"

All questions concerning the construction, validity and interpretation of this agreement will be governed by the laws of India, and subject to this clause, the courts at Bangalore shall have exclusive jurisdiction. The parties shall amicably resolve any and all disputes arising out of or in connection with this agreement, failing which, the dispute shall be settled in accordance with the provisions of the Arbitration and Conciliation Act, 1996. The parties shall mutually appoint a sole arbitrator to conduct the arbitration



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proceedings. The venue for arbitration shall be Bangalore, and the language for arbitration shall be English.

33. From the perusal of the arbitration clause, it is clear that, if any dispute arises between the parties to the petition, the said dispute shall be resolved through an arbitration. The petitioner has invoked the arbitration clause by issuing an arbitration notice dated 27.03.2025 under Section 21 of the Arbitration and Conciliation Act, 1996.
34. Learned counsel for the respondent submits no objection to appoint the sole Arbitrator.
35. In view of the submissions made by the learned counsel for the respondent and for the foregoing discussion, the petitioner has made out a ground to refer the dispute to the arbitration. Accordingly, I answer the point in the '**affirmative**'.
36. In the result, I proceed to pass the following order.



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ORDER

- (i) These Civil Miscellaneous Petitions are ***allowed.***
- (ii) Sri.Vishwanath V Angadi, retired District Judge is nominated as Arbitrator to resolve the disputes between the parties to the petitions, in terms of arbitration clause contained in the Master Service Agreement as per the provisions of the Arbitration and Conciliation Act, 1996 and the Rules.
- (iii) All the contentions of the parties, including the maintainability of the petitions against the respondents, who are not signatories to the agreements, are kept open.
- (iv) The Registry is directed to communicate this order to the learned Arbitrator, and the Arbitration and Conciliation Centre, Bangalore.
- (v) The Registry is directed to return the certified copies/original documents to



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the petitioners, if any, after retaining a photocopy of the same.

- (vi) In view of the disposal of the petitions, pending interlocutory applications, if any, stand disposed of.

Sd/-
(ASHOK S.KINAGI)
JUDGE

SKS
CT:KHV