



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE B M SHYAM PRASAD

CIVIL MISC. PETITION NO. 422 OF 2025

BETWEEN:

M/S SKYLIT ENGINEERS AND
INFRASTRUCTURE (P) LTD
(FORMERLY M/S SKYTECH ENGINEERS
AND BUILDERS PVT. LTD.,)
HAVING ITS OFFICE AT
NO.23, HIG G-3, KHB COLONY,
HOOTAGALLI, (OPP ROTARY SCHOOL),
MYSURU 570 018
R/BY ITS MANAGING DIRECTOR.

...PETITIONER

(BY SRI. HALLUR SHIVAYOGI, ADVOCATE)

AND:

MYSORE RURAL KARNATAKA STATE
ROAD TRANSPORT CORPORATION
EMPLOYEES HOUSING CO OPERATIVE
SOCIETY LTD, MYSORE
AT NO. 95 K T STREET MANDI MOHALLA,
MYSURU - 570 021
REP. BY IT S PRESIDENT
Y.E. MANJUNATH.

...RESPONDENT





(BY SRI.TARUN TARANATH POOJARY, ADVOCATE FOR
C/R)

THIS CMP IS FILED UNDER SECTION 11(5) OF
THE ARBITRATION AND CONCILIATION ACT, 1996.,
PRAYING TO APPOINT SOLE ARBITRATOR IN TERMS OF
SECTION 11(6) OF ARBITRATION AND CONCILIATION
ACT OF 1996 TO ADJUDICATE THE DISPUTE THAT HAS
ARISEN BETWEEN THE PARTIES AS PER CLAUSE 16 OF
MOU DATED 29.07.2010 MARKED AS ANNEXURES - B.

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

CORAM: HON'BLE MR. JUSTICE B M SHYAM PRASAD

ORAL ORDER

The petitioner and the respondent are parties to
the Memorandum of Understanding dated
29.07.2010 which incorporates an agreement to
resolve all disputes by arbitration. There are
exchange of legal notices between the petitioner and
the respondent on completion and certain actionable
claims against each other. After this exchange of legal
notices, the petitioner has filed a petition with this
Court in CMP No.17/2025 which stands disposed of



by this Court on 10.06.2025 opining that the Notice relied upon by the petitioner does not meet the requirements of Section 21 of the Arbitration and Conciliation Act, 1996.

After this Court's order, the petitioner has caused Notice dated 21.06.2025 calling for the respondent's concurrence on its nomination of the sole Arbitrator. The respondent has replied *vide* Reply dated 12.07.2025 relying upon a Communication addressed by its President to deny the claims asserted by the petitioner. This Court, on perusal of the records, is persuaded to opine that there is an arbitrable dispute between the petitioner and the respondent, and given the circumstances, a former Judge of this Court must be appointed as a sole Arbitrator. Hence, the following:

ORDER

[A] The petition is allowed, and Hon'ble
Sri. Justice B A Patil, a former Judge of



this Court, is appointed as the sole Arbitrator to enter reference of the dispute between the petitioner and the respondent and conduct the proceedings at the Arbitration and Conciliation Centre (Domestic and International), Bengaluru according to the Rules governing the Centre. All questions are left open for due consideration.

[B] The Registry is directed to communicate this order [by *e-mail*] to the Arbitration and Conciliation Centre (Domestic and International), Bengaluru and also to Hon'ble Sri. Justice B A Patil, a former Judge of this Court, Address: House no.1327, 4th Cross, 5th main road, 5th block, HMTHBCS Layout, Nagasandra post,



Bengaluru-560073 [e-mail id:
bapatil@gmail.com] as required under
the Appointment of Arbitrators by the
Chief Justice of Karnataka High Court
Scheme, 1996.

[C] The submissions of the learned
counsels that the addresses of the
parties as mentioned in the cause title
are also the current address of the
parties is taken on record, and the
parties are directed to appear before
the Director, the Arbitration and
Conciliation Centre [Domestic and
International], Bengaluru, on
27.07.2026 at 11.30 am.

Sd/-
(B M SHYAM PRASAD)
JUDGE

AN/-