



HC-KAR

NC: 2026:KHC:35666
WP No. 16178 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 13TH DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

WRIT PETITION NO. 16178 OF 2026 (GM-RES)

BETWEEN:

M/S WATERLINE HOTELS PRIVATE LIMITED,
10TH FLOOR, GAMMA BLOCK,
A COMPANY INCORPORATED UNDER THE
COMPANIES ACT, AT SIGMA SOFT TECH PARK,
7, WHITEFIELD AIRPORT MAIN ROAD,
BENGALURU - 560 066.
NOW AT 4TH FLOOR, CONVERGE BY UKN,
NO. 78/2, SIDDAPUR VILLAGE,
VARTHUR HOBLI, BENGALURU - 560 066
REPRESENT BY ITS AUTHORISED SIGNATORY
MR. SUDHIR KUMAR MISHRA
mishra@ukn.co.in

...PETITIONER

(BY SRI. NAVKESH MUNISH BATRA, ADVOCATE)

AND:

1. SINGAPORE INTERNATIONAL ARBITRATION CENTRE
28 MAXWELL ROAD,
NO. 03-01 MAXWELL CHAMBERS SUITES
SINGAPORE - 069120
REPRESENTED BY ITS COUNSEL (TEAM LEAD)
MR. SHIVAM PATANJALI
shivampatanjali@siac.org.sg
corpcomms@siac.org.sg
2. INTERCONTINENTAL HOTELS
GROUP (INDIA) PVT. LTD.,
TOWER C, 11TH FLOOR BUILDING NO.10,
DLF CYBERCITY, DLF PHASE 2,
GURGAON - 122 002, HARYANA, INDIA.
3. INTERCONTINENTAL HOTELS GROUP
(ASIA PACIFIC) PTE. LTD.,

Digitally signed
by SHWETHA
RACHA LENDRA
Location: HIGH
COURT OF
KARNATAKA



230, VICTORIA STREET,
NO. 13-00, BUIGS JUNCTION TOWERS,
SINGAPORE - 188 240
NOS. 2 AND 3 REPRESENTED RESPECTIVELY
BY THEIR DIRECTOR AND AUTHORIZED SIGNATORY, MR.
VENKATESH GOMATAM.

...RESPONDENTS

(VIDE ORDER DATED 13.07.2026, NOTICE TO RESPONDENTS
DISPENSED WITH)

THIS WP IS FILED UNDER ARTICLE 227 OF THE
CONSTITUTION OF INDIA R/W SIAC RULE 32.3 AND R/W S. 1(E)(II),
S.2, S.6, S.9(1) AND (2), S.11, Ss. A4 AND A5, Ss. 31 AND 32, Ss.
34 AND 37, AND Ss. 42a AND B OF THE ARBITRATION AND
CONCILIATION ACT, 1996 PRAYING TO (A) DECLARE THAT SIAC'S E-
MAIL LETTER OF 17.04.2026 IS NON-EST AND NOT BINDING
(ANNEXURE-M) AND ETC.,

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

CORAM: HON'BLE MR. JUSTICE SURAJ GOVINDARAJ

ORAL ORDER

1. Petitioner is before this Court seeking for the
following reliefs:

- a. *declare that SIAC's e-mail Letter of 17.04.2026 is non-est and not binding (Annexure G);*
- b. *Consequently direct SIAC to release all the versions of the Draft Award and all the correspondence between SIAC and the Ld. Sole Arbitrator to the Bengaluru International Centre at Race Course Road, Bengaluru as stated in SIAC's Letter, dated 25.03.2026 (Annexure C);*
- c. *Consequently direct SIAC not to act upon its Letter, dated 17.04.2026 (Annexure G); and*
- d. *grant such further and other relief(s) that this Court may deem fit in the facts and circumstances of the case.*



2. Notice to the respondents is dispensed with in view of the proposed order to be passed.
3. The petitioner and respondent Nos.2 and 3 had entered into a Hotel Management Agreement. There being certain disputes between the parties, the said disputes being governed by clause 18.2 of the said agreement, requiring the appointment of an Arbitrator and arbitration to be conducted in terms of the Singapore International Arbitration Centre (SIAC) Rules 2016 (for short, "**SIAC Rules 2016**") in Bengaluru.
4. Even during the course of the appointment of an Arbitrator, there were disputes as to whether it was a tribunal consisting of a sole Arbitrator or a tribunal consisting of three Arbitrators. Finally, the issue was taken up before the Hon'ble Supreme Court, and the Hon'ble Supreme Court in the reported decision in the case of ***Intercontinental Hotels Group (India) Private Limited and Another Vs. Waterline Hotels Private Limited***¹ had appointed a former Judge of this Court as a sole Arbitrator to adjudicate the issues.
5. It is contended that the learned Sole Arbitrator submitted the draft award on 11.12.2024.

¹ (2022)7 SCC 662



Thereafter, the SIAC Secretariat furnished certain comments on the draft award. Pursuant thereto, the learned Arbitrator submitted a revised draft to the Secretariat. However, the Secretariat was of the view that the revised draft did not adequately address the substantive comments raised by it. Consequently, the draft award was exchanged between the learned Arbitrator and the Secretariat on several occasions until 29.12.2025. The Secretariat ultimately observed that, despite being afforded multiple opportunities to ensure that the award complied with its comments and suggestions, the learned Arbitrator had failed to do so. It further opined that the award, in its existing form, was not suitable for finalisation and issuance to the parties. In this background, the Secretariat concluded that the Tribunal had failed to perform its functions within the prescribed time limits under the SIAC Rules, 2016, and the SIAC Court of Arbitration initiated the process of considering the removal of the learned Sole Arbitrator.

6. In the aforesaid circumstances, the learned Arbitrator, who is a former Judge of this Court, addressed a letter dated 01.04.2026 to the Secretary General of the Supreme Court of India expressing his



intention to withdraw from, or recuse himself from, the arbitral proceedings.

7. It is in this backdrop that Miscellaneous Application No.1485/2026 came to be registered before the Hon'ble Supreme Court of India. By its order dated 08.05.2026, taking into consideration the office report recording the recusal of the learned Arbitrator, the Hon'ble Supreme Court was of the view that no further orders were required to be passed in the miscellaneous application and accordingly disposed of the same.
8. Subsequently, by a communication dated 17.04.2026, the SIAC called upon the petitioner and the respondents to furnish the particulars relating to their joint nomination of a Sole Arbitrator. Aggrieved thereby, the petitioner has approached this Court challenging the said communication on the ground that it is non est and void.
9. Sri Navkesh Munish Batra, learned counsel appearing for the petitioner, raised several grievances in this regard.
 - 9.1. His first contention is that the learned Sole Arbitrator, a former Judge of this Court, was not treated appropriately by the SIAC Secretariat. According to him, the making of an



arbitral award lies exclusively within the domain and discretion of the Arbitrator. The Secretariat, therefore, could not have offered substantive comments on the merits of the draft award and was confined only to making observations relating to procedural aspects.

9.2. It is submitted that the Secretariat exceeded the scope of its authority by making substantive observations on the draft award. Learned counsel further submitted that although the Arbitration and Conciliation Act, 1996 provides various remedies against an arbitral award, the present case concerns allegations directed against the arbitral institution itself. Since no remedy is available under Section 34 of the Act against such institutional actions, it is contended that this Court ought to exercise its extraordinary jurisdiction under Articles 226 and 227 of the Constitution of India.

9.3. It is further submitted that the counsel appearing for respondent Nos.2 and 3 before the learned Arbitrator was also a member of the SIAC Court of Arbitration. On that basis, it is contended that such counsel ought not to



have appeared in the arbitral proceedings, as her participation gives rise to a reasonable apprehension of bias on the part of the SIAC Court of Arbitration.

- 9.4. Learned counsel also submitted that the arbitral proceedings, which commenced pursuant to the appointment of the Sole Arbitrator on 25.01.2022, have remained inconclusive despite the lapse of several years. The petitioner has incurred substantial expenditure towards the conduct of the arbitration before SIAC. Notwithstanding the fact that a draft award had already been prepared by the earlier Arbitrator, the petitioner is now required to recommence the arbitral process before a newly appointed Arbitrator.
- 9.5. In these circumstances, it is contended that this Court alone can effectively exercise its jurisdiction under Articles 226 and 227 of the Constitution of India.
10. I have heard Sri Navkesh Munish Batra, learned counsel appearing for the petitioner, and carefully perused the material placed on record.
11. The submissions advanced by the learned counsel undoubtedly raise issues of considerable importance



touching upon the role of an arbitral institution in scrutinising a draft award, the scope of its powers under the SIAC Rules, the circumstances leading to the recusal of the learned Sole Arbitrator, and the consequences that have followed therefrom.

12. The grievance of the petitioner is essentially that the SIAC Secretariat transgressed the limits of its authority by making substantive observations on the draft award, thereby interfering with the adjudicatory domain of the learned Arbitrator, which ultimately culminated in his recusal.
13. The petitioner also questions the fairness of the institutional process and contends that, in view of the alleged institutional bias and irregularity, the arbitration cannot be permitted to continue under the aegis of SIAC.
14. These allegations, though serious, the immediate question that arises for consideration is whether this Court, in exercise of its jurisdiction under Articles 226 and 227 of the Constitution of India, is the appropriate forum to examine such grievances.
15. It is not in dispute that the learned Sole Arbitrator came to be appointed by the Hon'ble Supreme Court in Arbitration Petition No.12/2019 by order dated 25.01.2022, in the reported decision in the case of



Intercontinental Hotels Group (India) Private Limited and Another Vs. Waterline Hotels Private Limited², in exercise of its powers under Section 11 of the Arbitration and Conciliation Act, 1996.

16. The appointment of the Arbitrator was not by the institutional mechanism of SIAC or from any consensual process between the parties but from a judicial order passed by the Hon'ble Supreme Court. Once the appointment of the Tribunal has been made by the Hon'ble Supreme Court, any supervening event affecting the constitution of the Tribunal, including the recusal, withdrawal or substitution of the Arbitrator, necessarily falls within the domain of the Hon'ble Supreme Court that originally constituted the Tribunal.
17. This Court, therefore, would not have jurisdiction over matters which have a direct bearing on the constitution of the Tribunal, including the recusal, withdrawal or substitution of the Arbitrator appointed by the Hon'ble Supreme Court.
18. The order dated 08.05.2026 passed by the Hon'ble Supreme Court in Miscellaneous Application No.1485/2026 records the factum of the recusal of

² (2022)7 SCC 662



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the learned Arbitrator and disposes of the application without issuing any further directions. The said order does not examine the legality of the actions of the SIAC Secretariat, nor does it deal with the question as to whether a substitute Arbitrator ought to be appointed or whether the arbitration should continue under the SIAC Rules, since that was not the issue before the Hon'ble Supreme Court.

19. Equally, the order cannot be construed as foreclosing the right of the parties to approach the Hon'ble Supreme Court seeking appropriate directions in relation to the future conduct of the arbitral proceedings. Since those issues remain open, it would neither be proper nor permissible for this Court to adjudicate upon them.
20. The principal relief sought by the petitioner is to declare the communication dated 17.04.2026 issued by the SIAC as void and non est. However, the practical consequence of granting such a relief would be to directly impede or regulate the process of reconstituting the arbitral tribunal. Such a determination would necessarily have a bearing on the arbitral proceedings which originated from the appointment made by the Hon'ble Supreme Court. Judicial discipline requires that such issues be placed



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before the Hon'ble Supreme Court, which appointed the Arbitrator and which alone is competent to issue appropriate consequential directions.

21. This Court is also of the opinion that the grievances urged by the petitioner, including the alleged excess of authority by the SIAC Secretariat, the apprehension of institutional bias arising from the composition of the SIAC Court of Arbitration, the prejudice occasioned by the prolonged arbitral proceedings, and the petitioner's contention that it is unwilling to continue arbitration under the aegis of SIAC, are all matters which can appropriately be placed before the Hon'ble Supreme Court while seeking appropriate relief consequent upon the recusal of the learned Arbitrator. Since the Hon'ble Supreme Court retains seisin over the appointment of the Tribunal, it would be in the best position to determine whether a substitute Arbitrator should be appointed, whether the arbitral proceedings should continue before SIAC, or whether any other directions are warranted in the peculiar facts of the case.
22. For the aforesaid reasons, this Court is of the considered opinion that it would be inappropriate to exercise its extraordinary jurisdiction under Articles



226 and 227 of the Constitution of India in the facts of the present case.

23. Having regard to the fact that the arbitral tribunal was constituted by an order of the Hon'ble Supreme Court under Section 11 of the Arbitration and Conciliation Act, 1996, all consequential issues arising from the cessation of the mandate of the learned Arbitrator must necessarily be agitated before the Hon'ble Supreme Court itself.
24. Accordingly, while reserving liberty to the petitioner to approach the Hon'ble Supreme Court and raise all such contentions as may be available in law, including the contentions urged in the present writ petition, this writ petition stands **disposed of**.

Sd/-
(SURAJ GOVINDARAJ)
JUDGE

GJM
List No.: 1 Sl No.: 4