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CNR: KAHC010795832025

NC: 2026:KHC:44590-DB
CCC No. 1566 of 2025

IN THE HIGH COURT OF KARNATAKAAT BENGALURU

DATED THIS THE 19TH DAY OF AUGUST, 2026

PRESENT

THE HON'BLE MR. JUSTICE JAYANT BANERJI

AND

THE HON'BLE MS. JUSTICE TARA VITASTA GANJU

CIVIL CONTEMPT PETITION NO. 1566 OF 2025

BETWEEN:

1. M/S. APYA CAPITAL SERVICES PRIVATE LIMITED
A COMPANY INCORPORATED UNDER THE
PROVISIONS OF COMPANIES ACT, 1956,
HAVING ITS REGISTERED OFFICE AT
FLAT NO.22, TOWER 6, PEBBLE BAY,
RAJ MAHAL VILAS II, RAMAKRISHNAPPA LAYOUT,
NAGASHETTY HALLI, BENGALURU-560094.
REPRESENTED BY ITS AUTHORIZED SIGNATORY,
MR. AKASH GUPTA,

ALSO AT, NO.609, 3RDFLOOR,
12THMAIN, 7THCROSS, HAL 2NDSTAGE, INDIRANAGAR,
BANGALORE-560 038.
EMAIL:legal1@fincity.com

...COMPLAINANT

(BY SMT. HEMAVATHI.A.T., ADVOCATE FOR
SRI. CHINTAN CHINNAPPA.M.,ADVOCATE)

AND:

1. M/S. SBR INFRA BUILDTECH
A PARTNERSHIP FIRM,
HAVING ITS OFFICE AT SY. NO. 24/5,
SBR HORIZON SEEGEHALI, BENGALURU URBAN,
KARNATAKA, BANGALORE – 560067.
REPRESENTED BY ITS MANAGING PARTNER,

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MR. T.VENUGOPAL.
EMAIL:tvq@sbrgroup.in

2. MR. T.VENUGOPAL.
AGED 48 YEARS,
S/O MR. VENKATA RAMANA THANGALA,
MANAGING PARTNER OF SBR INFRA BUILDTECH,
HAVING ITS OFFICE AT SY. NO. 24/5,
SBR HORIZON
SEEGEHALI, BENGALURU URBAN,
KARNATAKA, BANGALORE-560067
EMAIL:tvq@sbrgroup.in

...ACCUSED

(BY SMT. LEKHA JAIN., ADVOCATE FOR
SRI. SIDDHARTH SUMAN.,ADVOCATE FOR A1 & A2)

THIS CCC IS FILED UNDER SECTIONS 11 AND 12 OF THE
CONTEMPT OF COURT ACT,1971, R/W ARTICLE 215 OF THE
CONSTITUTION OF INDIA,BY THE COMPLAINANT, WHEREIN
PRAYS THAT THE HON'BLE COURT BE PLEASED TO INITIATE
CONTEMPT PROCEEDINGS AGAINST THE ACCUSED AND
PUNISH THEM IN ACCORDANCE WITH LAW FOR WILLFULLY
DISOBEYING AND VIOLATING THE ORDER DATED 26.07.2024
OF THE DIVISION BENCH OF THE HON'BLE COURT
OFKARNATAKA AT BENGALURU PASSED
INCOMM.A.P.NO.225/2024 (ANNEXURE-G)

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

CORAM: HON'BLE MR. JUSTICE JAYANT BANERJI
&
HON'BLE MS. JUSTICE TARA VITASTA GANJU

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ORAL ORDER

(PER: HON'BLE MS. TARA VITASTA GANJU)

1. The instant petition is filed seeking initiation of the contempt proceedings against the accused for violating the order dated 26.07.2024, passed in Commercial Arbitration Petition No.225 of 2024.

2. Initially, a petition filed by the complainant under Section 9 of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as the 'A&C Act') read with Order 39 Rule 1 & 2 of the CPC read with Section 151 of the CPC, seeking a restraint against Accused No.1 before the learned Commercial Court, Bengaluru. By its order dated 10.06.2024, the learned Commercial Court allowed the petition under Section 9 of the A&C Act in the following terms:

"ORDER

The petition filed by the petitioner U/Sec. 114 r/w Sec. 151 of CPC and Sec. 9 of Arbitration and Conciliation Act, 1996 is hereby allowed.

The order passed by this Court on the application filed by the petitioner under Section 9 of A & C Act dated

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25.03.2024 is hereby reviewed and fresh order is passed as hereunder;

*Application filed by the petitioner under Section 9 of A & C Act is allowed. **The respondent or its partners / agents / employees / representatives / henchmen or anyone else acting its behalf restrained from selling / alienating / encumbering / creating third party rights over the schedule 'C' property and collecting any money, receivables directly or indirectly till disposal of the Arbitration proceedings.***

[Emphasis Supplied]

3. The order dated 10.06.2024, was challenged by the accused in COMAP No.225/2024. A Coordinate Bench of this Court, while partly allowing the Commercial Appeal passed the following directions on 22.07.2024:

*"24. Considering the above-mentioned factors, as an interim measure, to balance the equity, **till the application under Section 17 is heard by the Arbitral Tribunal, this Court deems it appropriate to direct the appellant to furnish security to the tune of Rs.10.00 crores, keeping open all the questions relating to the interim measure to be adjudicated under Section 17 of the Act of 1996.** This order is made also taking into account that both parties have agreed and requested this Court to appoint an arbitrator to resolve the dispute.*

*25. Hence, the following interim measures are passed:
(i) The appellant shall furnish security to the tune of Rs.10.00 crores (Rupees Ten Crores only) to the satisfaction of the Commercial Court. Any security offered shall be free from all or any encumbrance and the respondent shall have first charge over the same.*

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(ii) Till furnishing of security as ordered, the appellant shall not alienate, or create any third party charge over the properties, excluding 6% of the properties over which appellant has exclusive right to sell.

(iii) On acceptance of security the appellant is permitted to sell or otherwise deal with the properties, and on sale or receipt of the installment amount from 210 purchasers brought by the respondent, the amount/commission due to the respondent under the agreement dated 19.10.2022, shall be paid within 15 days from such receipt of the sale consideration and on such payment, the value of the security offered by the appellant shall stand reduced proportionately.

(iv) Even in case, the appellant fails to offer security as mentioned above, the appellant is entitled to sell 6% of the properties without any restrictions, as such right is recognised under the agreement dated 19.10.2022.

(v) As suggested by both parties Sri Justice Ajit Gunjal (subject to his consent and availability) is appointed as the sole arbitrator to adjudicate the dispute between the parties.

(vi) The interim measure shall be in force till 30 days from the date of receipt of the notice by the Arbitral Tribunal or till any interim order is passed by the Arbitral Tribunal whichever is earlier.

(vii) The parties are at liberty to move the Arbitral Tribunal for appropriate interim measures under Section 17 of the Act of 1996.

(viii) If any application is filed before the Arbitral Tribunal for appropriate interim measures, the same shall be considered by the Arbitral Tribunal without being influenced by any of the observations made in this order as all observations made in this order are only confined to the application under Section 9 of the Act of 1996."

[Emphasis Supplied]

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4. The order dated 22.07.2024, passed by the Coordinate Bench clearly sets out that the directions passed shall be in force for a period of 30 days from the date of receipt of a notice by the Arbitral Tribunal, or till an interim order is passed by the Arbitral Tribunal, whichever is earlier. It also granted liberty to the parties to move the Arbitral Tribunal for appropriate interim measures under Section 17 of the A & C Act.

5. It is not in dispute that the Arbitral proceedings were initiated pursuant to a Notice commencing these proceedings and that the matter is pending consideration of the Arbitral Tribunal at present. The learned counsel for the complainant has also affirmed that an application seeking appropriate directions has been filed by the complainant which is pending before the Arbitral Tribunal.

6. The contempt petition however fails to disclose any of these averments or any directions passed by the Arbitral Tribunal.

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7. Prima facie, given the foregoing and the fact that the order of which the disobedience is alleged, was passed by the Coordinate Bench more than two years ago and these directions were only to remain in force for a period of 30 days as stated above, the interim directions have lapsed.

8. Accordingly, this case is consigned.

**Sd/-
(JAYANT BANERJI)
JUDGE**

**Sd/-
(TARA VITASTA GANJU)
JUDGE**

JJ

List No.: 1 Sl No.: 27