HC-KAR

NC: 2026:KHC:50780
CMP No. 63 of 2026

CNR: KAHC010088862026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 17TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD

CIVIL MISC. PETITION NO. 63 OF 2026

BETWEEN:

SRI SRINIVAS N
S/O NARAYANASWAMY
AGED ABOUT 53 YEARS
R AT NO.83/B, MUNESHWARANAGAR
MALATHAHALLI, BENGALURU-560056

...PETITIONER

(BY SRI. NAGARAJ K G., ADVOCATE)

AND:

1. M/S CMM HINDUSTAN GOLD PVT LTD
HAVING ITS OFFICE AT NO.24
3RD FLOOR, R K TEMINUS
BELLARY MAIN ROAD
BENGALURU-560032
REP BY ITS MD
SRI MOHAMUD SABI.

2. MR. MOHAMMUD SABI
MANAGING DIRECTOR OF
M/S CMM HINDUSTAN GOLD PVT. LTD.,
OFFICE AT NO.24, 3RD FLOOR
R K TEMINUS, BELLARY MAIN ROAD
BENGALURU-560032.

...RESPONDENTS

(R1 AND R2 ARE SERVED AND UNREPRESENTED)

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THIS CMP IS FILED UNDER SECTION 11(5) OF THE ARBITRATION AND CONCILIATION ACT 1996 PRAYING TO APPOINT A SOLE ARBITRATOR AS PER THE ARBITRATION CLAUSE 1.19 OF THE MEMORANDUM OF UNDERSTANDING DATED 21.11.2019 (AS PER ANNEXURE A) TO RESOLVE THE DISPUTE BETWEEN THE PETITIONER AND THE RESPONDENTS AT THE COST OF THE RESPONDENTS AND ETC.

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

CORAM: HON'BLE MR. JUSTICE H.T. NARENDRA PRASAD

ORAL ORDER

1. This petition is filed under Section 11(5) of the Arbitration and Conciliation Act, 1996 (for short, "the Act"), seeking appointment of a Sole Arbitrator for adjudication of the disputes that have arisen between the petitioner and the respondents under the Memorandum of Understanding (for short 'MOU') dated 21.11.2019, particularly in terms of Clause 1.19 thereof, produced at Annexure-A.

2. Respondent No.2 is the Managing Director of respondent No.1, Company, registered under the

Companies Act, running business of buying the gold from the customers and selling the same for prospective purchasers and also promoting the business under its trade name and trade mark by setting up chain or master franchises in all over the country. Accordingly, petitioner approached the respondent No.2 to set up one of such retail outlets in the city of Bangalore. They entered into Memorandum of Understanding dated 21.11.2019 (Annexure-A). As per the condition mentioned in the MOU, the respondents have not paid the profit to the petitioner. Hence, the dispute arose between the parties.

3. The Memorandum of Understanding contains an arbitration clause, namely, Clause 1.19, which reads as under:

> "1.19 DISPUTE RESOLUTION:
>
> *In the event of any dispute, difference or questions arising out of or in respect of this Agreement or the commission of any breach of any terms thereof or in any manner whatsoever in connection with it or its existence, validity or termination shall be referred to the Arbitration*

of a Sole Arbitrator. The Arbitration shall be subjected to the Arbitration and Conciliation Act, 1996 as may be amended from time to time."

4. Since disputes arose between the parties and there is a mechanism for redressal of such disputes by way of arbitration, the petitioner issued a notice dated 18.11.2025 vide Annexure-C, to the respondents in terms of Section 21 of the Act, invoking the arbitration clause. Despite service of the said notice, the respondents did not furnish any response. Hence, the petitioner has filed the present petition.

5. Notice issued by this Court has been duly served upon the respondents. Despite service of notice, none appears on behalf of the respondents.

6. In view of the above, and having regard to the existence of the arbitration clause contained in the MOU, this Court is of the opinion that a Sole Arbitrator is

required to be appointed for adjudication of the disputes between the parties. Accordingly, the following:

ORDER

a) Civil Miscellaneous Petition is **allowed**.

b) Mr.Ganesh.B, Retired District Judge, is appointed as the Sole Arbitrator in the present case to arbitrate the disputes between the parties at the Arbitration and Conciliation Centre (Domestic & International), Bengaluru, as per the Rules governing the said Arbitration Centre.

c) All the claims and contentions of the parties are kept open.

d) Registry is directed to communicate this order via E-mail to the Arbitration and Conciliation Centre (Domestic & International), Khanija Bhavan, Bengaluru, and also to the learned Sole Arbitrator.

e) Registry is directed to return all the original documents produced by any of the parties after obtaining Photostat copies of the same.

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f) Parties are directed to appear before the Director, Arbitration and Conciliation Centre, Bengaluru, on **14.10.2026** at 11:30 a.m.

(H.T. NARENDRA PRASAD)
JUDGE

DM
LIST NO.: 1 SL NO.: 28