



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 12TH DAY OF MARCH, 2026

BEFORE

R

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

WRIT PETITION NO. 32333 OF 2025 (GM-RES)

BETWEEN:

1. MR. C. B. RAMKUMAR
S/O LATE I B MENON
AGED 60 YEARS
RESIDNG AT SY. NO. 79
KODIHALLI VILLAGE
MADHURE HOBLI
HESARAGHATTA,
DODDABALLAPUR TALUK
BANGALORE RURAL DISTRICT
2. MRS. LALITHA RAMKUMAR
W/O MR. C B RAMKUMAR
AGED ABOUT 60 YEARS
RESIDNG AT SY. NO. 79
KODHALLI VILLAGE,
MADHURE HOBLI
HESARAGHATTA
DODDABALAPUR TALUK
BANGALORE RURAL DSITRICT

...PETITIONERS

(BY SRI. KRISHNAMURTHY K R., ADVOCATE)

AND:

1. M/S. HIMALAYA PRIME ASSETS PVT LTD
(FORMERLY NIRAAMAYA
RETREATS PRIVATE LIMITED)
(PREVIOUSLY KNOWN AS NIRAAMAYA RETREATS





KOVALAM PVT LTD
REPRESENTED BY ITS CEO
REGISTERED ADDRESS AT
SURYA SAMUDRA CHOWWARA THOTTAM
MULLUR PULINKUDI P.O
THIRUVANANTHAPURAM
KERALA 695521
AND CORPORATE OFFICE AT
NO. 54, RICHMOND ROAD
BANGALORE 560 025

2. JUPITER CAPITAL PRIVATE LIMITED
REPRESENTED BY ITS CEO
MR. SUDHAKAR GANDE
PREVIOUSLY
AND PRESENTLY MR. HARI VELUPILLAI
HAVING ITS REGISTERED ADDRESS AT
PRESTIGE SIGMA, 5TH FLOOR
NO.3, VITTAL MALLYA ROAD
MAHATMA GANDHI ROAD
BANGALORE 560 001
ALSO AT
NO. 54, RICHMOND ROAD
BANGALORE 560 025

3. NATIVE RESORTS PRIVATE LIMITED
REPRESENTED BY ITS DIRECTOR
HAVING ADDRESS AT
SY. NO. 79, KODIHALLI VILLAGE
MADHURE HOBLI
HESARAGHATTA,
DODDABALLALPUR TALUK
BANGALORE RURAL DISTRICT

R1 TO R3 ARE REGISTERED UNDER COMPANIES ACT
1959

...RESPONDENTS

(BY SMT. NEHA RAO., ADVOCATE FOR R1
SRI. ADITHYA R. CHAKRAGIRI, ADVOCATE FOR R2
R3 SERVED)



THIS WRIT PETITION FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASH THE ORDER DTD. 22.08.2025 PASSED IN COM.A.A.NO. 317/2025 BY THE LXXXVI ADDL. CITY CIVIL AND SESSIONS JUDGE (COMMERCIAL COURT), BENGALURU AND DIRECT THE LXXXVI ADDL. CITY CIVIL AND SESSIONS JUDGE (COMMERCIAL COURT), BENGALURU TO CONSIDER THE APPLICATION ON MERIT.

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

CORAM: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

ORAL ORDER

The captioned petition is filed assailing the order of the Commercial Court on an application filed under Section 29A of the Arbitration and Conciliation Act, 1996 (for short 'the 1996 Act'), wherein the application filed under Section 29A seeking extension of time is declined on the premise that the Arbitrator was appointed by this Court under Section 11.

2. Heard the petitioners' counsel and the learned counsel appearing for the respondents.



3. In the light of the law laid down by the Hon'ble Apex Court in ***Jagdeep Chowgule vs. Sheela Chowgule and Others¹***, the controversy relating to the forum before which an application seeking extension of time under Section 29A of the 1996 Act is required to be filed, stands conclusively settled.

4. The Hon'ble Apex Court, while examining the scope and ambit of Section 29A and answering the question formulated for consideration, has authoritatively held that the application for extension of the mandate of the Arbitral Tribunal under Section 29A has to be filed before the "Court" as defined under Section 2(1)(e) of the Arbitration and Conciliation Act, 1996. The Hon'ble Apex Court has further clarified that this position would hold good irrespective of the manner in which the Arbitrator was appointed.

¹ 2026 SCC Online SC 124



5. In other words, even in cases where the Arbitrator has been appointed by the High Court or the Supreme Court in exercise of powers under Section 11 of the Act, or where the Arbitrator is appointed by mutual consent of the parties in terms of the arbitration agreement, the jurisdiction to entertain an application seeking extension of time for completion of arbitral proceedings under Section 29A would nevertheless vest in the "Court" within the meaning of Section 2(1)(e) of the Act.

6. The Hon'ble Apex Court has thus made it abundantly clear that the competence to consider an application under Section 29A is not dependent upon the authority which appointed the Arbitrator, but is determined solely with reference to the statutory definition of the term "Court" under Section 2(1)(e) of the 1996 Act. By so holding, the Hon'ble Supreme Court has effectively put to rest the divergent views expressed by various High Courts on the issue and has given a quietus to the debate



regarding the appropriate forum for seeking extension of the arbitral mandate under Section 29A.

7. Therefore, in view of the authoritative pronouncement of the Hon'ble Apex Court in ***Jagdeep Chowgule*** (supra), the legal position now stands settled that an application under Section 29A of the 1996 Act for extension of time to conclude arbitral proceedings must necessarily be presented before the jurisdictional "Court" as defined under Section 2(1)(e) of the Act, irrespective of whether the Arbitrator was appointed by the Court under Section 11 or by agreement between the parties.

8. This Court in the light of authoritative decision rendered by the Hon'ble Apex Court, which holds the field and addresses the issue, the order passed by the Commercial Court is clearly found to be contrary to the law laid down by the Hon'ble Apex Court.

9. Accordingly, this Court proceeds to pass the following:



ORDER

(i) The writ petition is ***allowed***;

(ii) The impugned order dated 22.08.2025 passed in Com.A.A. No.317/2025 by the LXXXVI Additional City Civil and Sessions Judge (Commercial Court), Bengaluru, is hereby set aside;

(iii) The matter is remitted to the Commercial Court for fresh consideration in accordance with law;

(iv) Since the parties are already represented by their respective learned counsel, they shall appear before the Commercial Court in Com.A.A. No.317/2025 on 06.04.2026, without awaiting any further notice or orders from this Court;

(v) The Commercial Court shall consider the matter afresh keeping in view the law laid down by the Hon'ble Apex Court, and shall expedite the proceedings and pass appropriate orders within an outer limit of four weeks from



**NC: 2026:KHC:14953
WP No. 32333 of 2025**

the date of receipt of a certified copy of this
order.

**Sd/-
(SACHIN SHANKAR MAGADUM)
JUDGE**

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List No.: 2 Sl No.: 17