



2026:DHC:7228



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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 25.08.2026

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CNR No. DLHC010205032026

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ARB. A. (COMM.) 37/2026 and IA No.12957/2026NAYATI HEALTHCARE AND RESEARCH NCR PRIVATE
LIMITED

.....Petitioner

Through: Mr. Aditya Sarma, Ms. Miheeka
Kapur, Advs.

versus

GHV ADVANCE CARE PVT. LTD

.....Respondent

Through: Mr Kunal Kher, Ms. Baishali Das,
Advs.**CORAM:****HON'BLE MR. JUSTICE SACHIN DATTA****SACHIN DATTA, J. (Oral)**

1. The present appeal has been filed under Section 37(2)(B) of the Arbitration and Conciliation Act, 1996 assailing the order dated 12.03.2026, read with the order dated 09.06.2024, passed by the Arbitral Tribunal comprising of a Sole Arbitrator.
2. The order dated 09.06.2024, passed by the Sole Arbitrator, *inter alia* directs as under:-

The Respondent shall file the affidavit indicating its unencumbered assets [moveable and immovable] and trade receivables if any as per Form 16A, Appendix E of the Code of Civil Procedure, 1908 within 10 days.

In case, the Respondent Company is required to alienate such assets in ordinary course of business it is at liberty to move an appropriate application.

3. It is also noticed that the order dated 09.06.2024 discusses the



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respective contentions of the parties in considerable detail. The said order arrives at a *prima facie* finding that the claim to the extent of Rs. 80,87,551/- appears to have been admitted by the appellant in this case. The relevant observations are as under:-

“At a prima facie stage, pre-trial, I find that the claim to the extent of Rs. 80,87,551/- appears to have been admitted by the Respondent and therefore the balance of convenience lies with the Claimant”.

4. The limited direction that has been finally issued is to require the appellant to file an affidavit of assets. It has also been directed that if the appellant company is required to alienate its assets in the ordinary course of business, it would be at liberty to move an appropriate application.

5. No exception can be taken with the aforesaid directions. The same is clearly within the realm and discretion of the Arbitrator.

6. It is also noticed that the subsequent order dated 26.02.2026, passed by the learned Arbitrator, reads as under:-

1. Ld. Counsel for Respondent has sought further time to file fresh Board Resolution in favour of the newly appointed Authorised Representative and Evidence by way of Affidavit. Let the same be done within one week.
2. Ld. Counsel for the Respondent also seeks further time to file the affidavit of the Respondent Company's Director within one week indicating the unencumbered assets [moveable and immovable] and trade receivables (as directed vide order dated 09.06.2024) as per Form 16A, Appendix E of the Code of Civil Procedure, 1908. Let the same also be done within one week positively.
3. The DIAC has informed that since the matter was adjourned *sine die* for a period of more than one year, the original file of the present case are not



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traceable. In such circumstance, on instructions Ld. Deputy Counsel for DIAC has stated that duplicate record of the matter shall be created.

4. List on 12.03.2026 at 06:00 P.M. for fixing dates of cross examination of Respondent witness. Deputy counsel and proposed witness to remain present to indicate availability.

DIAC is directed to provide a VC Link for the same and share it with the parties before the hearing.

7. The order dated 12.03.2026 passed by the learned Arbitrator reads as under:-

1. Ld. Counsel for Respondent submits that he was not able to contact the Authorised Representative in between the dates of the hearing. However, he has got instructions a while back. Accordingly, Ld. Counsel for Respondent has sought some more time to file fresh Board Resolution in favour of the newly appointed Authorised Representative and Evidence by way of Affidavit. As a matter of last and final opportunity 6 days are granted to the Respondent to file the same failing which matter shall proceed as per law cross examination of Respondent's witness shall stand closed.
2. Ld. Counsel for the Respondent also seeks further time to file the affidavit of the Respondent Company's Director within 6 days indicating the unencumbered assets [moveable and immovable] and trade receivables (as directed vide order dated 09.06.2024) as per Form 16A, Appendix E of the



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Code of Civil Procedure, 1908. Let the same also be done within 6 days positively.

3. The original file of the present matter is not traceable by DIAC. Both the parties are directed to create and file a complete duplicate record of their respective pleadings and documents before this Tribunal. The duplicate record as mentioned shall be signed by the respective Authorised Person with a blue pen with respective stamp and date.
4. List on 19.03.2026 at 06:00 P.M. for fixing dates of cross examination of Respondent witness. Deputy counsel and proposed witness to remain present to indicate availability.

DIAC is directed to provide a VC Link for the same and share it with the parties before the hearing.

8. It is noted that the aforesaid orders dated 26.02.2026 and 12.03.2026 have also been assailed in these proceedings. The appeal, to the extent that it assails the said orders, is clearly not maintainable inasmuch as the said orders contain consequential/ procedural directions and do not fall within the ambit of Section 17 of the Arbitration and Conciliation Act, 1996.

9. During the course of the hearing, the learned counsel for the appellant contends that in terms of the impugned order passed by the learned Arbitrator, even the directors of the appellant company would be required to disclose their personal assets. This contention is clearly misconceived. A plain reading of the impugned order reveals that the appellant is merely required to file an affidavit of assets of the company through its directors.



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10. For now, no direction has been issued requiring the directors of the appellant to make a disclosure of their personal assets in their individual name. As such, the grievance of the appellant is misconceived. There is no ground for continued non-compliance with the directions passed by the learned Arbitrator.

11. Learned counsel for the appellant raises a further grievance that in the impugned order, the learned Arbitrator has relied upon the provisions of Order XXXVIII Rule 5 to require the appellant to make a deposit. Admittedly, however, the order does not go so far as to require the appellant to actually deposit any amount in the ongoing arbitral proceedings. The directions being limited, do not call for any interference at this stage. If and when the Tribunal deems it necessary to issue any directions for the deposit of any amount by the appellant, the contentions of the appellant shall be suitably considered by the Tribunal.

12. It is also informed that the award in the matter already stands reserved. As such, the controversy has largely become moot.

13. In the circumstances, the present appeal is dismissed. The appellant is directed to expeditiously file its affidavit of assets in the format of Form-16A, Appendix E of the Code of Civil Procedure, 1908 before the Arbitral Tribunal.

SACHIN DATTA, J

AUGUST 25, 2026/uk,sd