

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1402 OF 2015

Everest Industries Limited & Anr. .. Petitioners  
VS.  
ANJ Buildcon Pvt. Ltd. & Anr. .. Respondents

Mr. Ankur Shah i/b. Ashwin Ankad & Associates for Petitioners.  
Ms Shrilekha Sawant with Ms Shruti Anurag i/b. M. M. Legal & Associates for Respondents.

**CORAM : M. S. SONAK, J.**  
**DATE : 11 FEBRUARY, 2015**

**P.C. :-**

1] This petition takes exception to the order dated 30 June 2014 made by the Arbitral Tribunal holding that it has jurisdiction to proceed in the matter.

2] In the case of *SBP & Co. vs. Patel Engineering Ltd. & Anr.*<sup>1</sup>, the Supreme Court at paragraph 46 has observed thus :

*“46. The object of minimising judicial intervention while the matter is in the process of being arbitrated upon, will certainly be defeated if the High Court could be approached under Article 227 or under Article 226 of the Constitution against every order made by the Arbitral Tribunal. Therefore, it is necessary to indicate that once the arbitration has commenced in the Arbitral Tribunal, parties have to wait until the award is pronounced unless, of course, a right of appeal is available to them under Section 37 of the Act even at an earlier stage.”*

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1 (2005) 8 SCC 618

3] Applying the law as aforesaid, it is not possible to entertain this petition. However, it is clarified that the petitioners shall have the liberty to re-raise the challenges preferred to in the present petition, in case there is an occasion to challenge the award that may ultimately be made by the Arbitral Tribunal.

4] With the aforesaid observations, the present petition is disposed of.

**(M. S. SONAK, J.)**

Chandka