



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10865 OF 2023

Goldbricks Infrastructure Private Limited
through its Director Shri. Rajesh Saraogi ...Petitioner

Versus

Urban Infrastructure Trustees Limited ...Respondent

Mr. Shyam Dewani a/w Mr. Chirag Chanani i/b Dewani Associates, for the
Petitioner.

Mr. Dhiraj Mhetre a/w Mr. Satyasrikant Vutha & Ms. Tamanna Meghrajani
i/b Khaitan Legal Associates, for the Respondent.

CORAM : MADHAV J. JAMDAR, J.

DATED : 31st OCTOBER 2023

P.C.:

1. Heard Mr. Dewani, learned counsel appearing for the Petitioner and Mr. Dhiraj Mhetre, learned counsel appearing for the Respondent.
2. In this Writ Petition filed under Article 227 of the Constitution of India, the Petitioner is challenging the legality and validity of the order dated 2nd August 2023 passed by the learned Sole Arbitrator in the arbitration proceedings between the Respondent as Claimant and the Petitioner as the Respondent. The impugned order has been passed on the application filed by the Petitioner seeking that the

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Respondent be directed to produce certain documents. The said application seeking to produce the documents has been rejected by the learned Sole Arbitrator by the impugned order dated 2nd August 2023. The learned Sole Arbitrator while rejecting the said application has *inter alia* observed that the application for production of documents is in the nature of a fishing inquiry and is irrelevant. It is further observed that the documents which the parties are relying upon are marked as exhibits, the Claimant has filed its affidavit of evidence, it is always open to the Respondent to cross-examine the Claimant's witness and have the documents produced, if necessary, at the trial. It is further observed that the application under Section 32(2)(c) of the Arbitration and Conciliation Act, 1996 ("**said Act**") is purely based on the order passed by Securities and Exchange Board of India, by which the scheme of the Respondent was directed to be wound up.

3. Although Mr. Dewani has argued the matter at length, he has failed to point out any ground to justify that an interference in the impugned order is warranted under the Writ jurisdiction of this Court under Article 227 of the Constitution of India.

4. It is settled legal position that High Courts should be extremely

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circumspect in interfering with the orders passed by Arbitration Tribunals. The Hon'ble Supreme Court in **Bhaven Construction v. Sardar Sarovar Narmada Nigam Ltd.**¹, in paragraph No.20 held that the Petitioner has to show exceptional circumstances or bad faith on the part of the Respondent to invoke the remedy under Article 227 of the Constitution of India. Nothing has been pointed out by Mr. Dewani, learned counsel appearing for the Petitioner to show that his case falls under exceptional circumstance.

5. Accordingly, no interference is warranted in this Writ Petition under Article 227 of the Constitution of India.

6. The Writ Petition is dismissed however, with no order as to costs.

[MADHAV J. JAMDAR, J]

1 (2022) 1 SCC 75