

HIGH COURT FOR THE STATE OF TELANGANA

MAIN CASE No: Arbitration Application No.262 of 2024

PROCEEDING SHEET

S. No.	DATE	ORDER	OFFICE NOTE
2.	24.10.2025	<u>HCJ (AKrS,J)</u> <u>I.A.No.1 of 2025,</u> (Dispense with petition) Mr. S.Madan Mohan Rao, learned counsel for the petitioner/respondent in the Arbitration Application. Ms. Pragathi Mandapalle, learned counsel for the respondent herein/applicant in the Arbitration Application. This interlocutory application seeking to dispense with the requirement of filing the certified copy of the impugned order is allowed. HCJ (AKrS,J) <u>I.A.No.2 of 2025 &</u> (Condone Delay Petition) <u>I.A.No.3 of 2025</u> (Review Petition) Mr. S.Madan Mohan Rao, learned counsel for the review petitioner/respondent in the Arbitration Application. Ms. Pragathi Mandapalle, learned counsel for the respondent herein/applicant in the Arbitration Application.	Note: Transferred to (i/o) folder before corrections, if any. B/o lur

		Review application has been filed <i>vide</i> I.A.No.3 of 2025 with the prayer to review Order dated 11.12.2024, passed in Arbitration Application No.262 of 2024, as the review petitioner would otherwise suffer injustice. The review application is accompanied by a delay condonation application <i>vide</i> I.A.No.2 of 2025 for condonation of 101 days of delay in filing the review application. According to the review petitioner, the agreement dated 31.03.2022, forming basis for appointment of Arbitrator by this Court under Clause 23, which provides for Arbitration, was a fabricated document. The Arbitration Application was disposed of by order dated 11.12.2024, since respondent therein (review petitioner) had not entered appearance despite service. Learned counsel for the review petitioner submits that a preliminary issue on the jurisdiction of the learned Arbitral Tribunal has been raised and a defence statement has been filed earlier and arbitration proceedings are under way. Review petitioner seeks a direction from this Court upon the learned Arbitrator to	
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		decide the preliminary issue. He relied upon a decision of the Apex Court in Managing Director, Bihar State Food and Civil Supply Corporation Limited v. Sanjay Kumar {2025 Supreme(SC) 1157} to support the contention that the Arbitral Tribunal shall consider the preliminary issue after giving an opportunity to the parties. Learned counsel for the respondent herein submits that the arbitration proceedings are under way. The existence and validity of the arbitration agreement are within the domain of the learned Arbitrator where the review petitioner has entered appearance, filed defence statement and also an application raising additional preliminary issues. According to the review petitioner, the next date in the arbitration proceedings is fixed for tomorrow. However, learned counsel for the respondent herein submits that no case of any review is made out and no specific direction upon the Arbitrator, as to how to deal with the preliminary issues, is required to be issued by this Court on such an application.	
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		I have considered the submissions of learned counsel for the parties. Delay of 101 days in filing the review application is condoned upon hearing them. I.A.No.2 of 2025 is accordingly allowed. As regards the review application, this Court is of the firm view that once the review petitioner has appeared, raised preliminary issues and also filed defence statement before the learned Arbitrator, by filing an application in the nature of a review, the jurisdiction of this Court cannot be invoked for issuing further directions in an ongoing arbitration upon the learned Arbitrator. The ratio laid down by the Apex Court in Sanjay Kumar (supra) also mandates that all such issues can be raised before the learned Arbitral Tribunal, which will consider them after giving opportunity to the parties. Therefore, the review application being I.A.No.3 of 2025 is dismissed. <u>HCJ (AKrS,J)</u> LUR	
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