IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

ARBITRATION APPEAL NO. 82 OF 2024

SHRADDHA KAMLESH TALEKAR
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Date: 2025.12.19 14:36:07 +0530

Ionex Envirotech Pvt. Ltd.
Thr. Director Ranganathan T. Krishnan
and Ors. ...Appellants

Versus

Sandeep Durgadas Bari ...Respondent

Mr. Nihar Chitre *i/b Mr. Vaibhav Patankar, for Appellants.*

Mr. Rahul Kedar *i/b Chirag Gandhi, for Respondent.*

CORAM : SOMASEKHAR SUNDARESAN, J.
Date : December 10, 2025

ORDER :

1. Taken up by consent of the parties.

2. The challenge in this Petition is under section 37 of the Arbitration and Conciliation Act, 1996 ("***the Act***") to an order passed under Section 9 of the Act passed by the District Court on February 5, 2024. Meanwhile, the arbitration proceedings have commenced. The parties are already before the arbitrator, who would be best placed to examine the factual matrix involved in the proceedings and take a view on what is an appropriate interlocutory measure for preserving the subject matter of the arbitration agreement.

3. In these circumstances, in my opinion, it would be inappropriate for the Section 37 Court to consider a challenge to the Section 9 order, when the arbitrator is already seized of the matter and would be best placed to deal with what constitutes an appropriate interlocutory arrangement. Therefore, this Petition is converted into an application under Section 17 of the Act, seeking a variation of the *pro tem* Section 9 order that had been passed before the arbitral tribunal came to be constituted. The jurisdiction under Section 9 is meant to be a temporary measure pending arbitration, which is already underway.

4. It is made clear that the arbitral tribunal shall have the fullest authority to vary, alter, modify or enhance the measures set out in the Section 9 order, since the arbitrator as a master of the evidence would be best suited to decide an appropriate moulding and modification of the Section 9 order that has already been passed. Nothing contained in this order is an expression of an opinion on the merits of the Section 37 Petition – that is left entirely to the Learned Arbitral Tribunal.

5. With the aforesaid directions, this Petition is ***finally disposed of***, leaving it to the arbitrator to consider the merits of the contents of this Petition, treating it as an application under Section 17 of the Act, and it is made clear that the Learned Arbitral Tribunal shall have the

power to interfere with the arrangement obtaining under Section 9 order.

6. All actions required to be taken pursuant to this order, shall be taken upon receipt of a downloaded copy as available on this Court's website.

[SOMASEKHAR SUNDARESAN, J.]

Shraddha