

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CIVIL APPELLATE JURISDICTION**  
**WRIT PETITION NO. 10089 OF 2025**

|                            |               |
|----------------------------|---------------|
| Bhavitha Devaiah           | ..Petitioner  |
| <b>Versus</b>              |               |
| Ingram Micro India Pvt Ltd | ...Respondent |

Mr. Aseem Naphade, with Divya Tyagi and Akshay Arora, i/b Divya Tyagi, for the Petitioners.

Mr. Sagar Wagle, with Kashyap Samant, i/b K & P Legal Combine LLP, for the Respondent.

**CORAM: N. J. JAMADAR, J.**

**DATED : 24<sup>th</sup> JULY 2025**

**P.C.:**

**1.** The challenge in this Petition is to an order dated 24<sup>th</sup> June 2025 passed by the sole arbitrator in the arbitration proceeding between the Petitioner and the Respondent, whereby the Application dated 6<sup>th</sup> May 2025, seeking permission to adduce oral evidence and produce documents came to be rejected.

**2.** Suffice to note that, the Application was preferred by the Petitioner after the evidence of the parties was closed, and the submissions on behalf of the Respondent-Claimant therein came to be concluded, purportedly on the premise that in the written submissions the Claimant urged a ground that the Respondent had not produced the

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inventory of the goods which were allegedly destroyed in a fire and deliberately suppressed material evidence from the Arbitral Tribunal.

**3.** Mr. Naphade, the learned Counsel for the Petitioner, endeavoured to persuade the Court to hold that the refusal on the part of the learned Arbitrator to permit the Petitioner to adduce evidence and produce the documents, would cause grave prejudice to the Petitioner and diminish the sanctity of the arbitral proceeding.

**4.** Placing reliance on a judgment of the Supreme Court in the case of **Bhaven Construction Through Authorised Signatory Premjibhai K Shah Vs Executive Engineer, Sardar Sarovar Narmada Nigam Limited & Anr**,<sup>1</sup> Mr. Naphade would urge that an exceptional case is made out as the Petitioner would be rendered remediless as the Respondent-Claimant had committed an act of “bad faith” by urging the ground of non-production of documents, for the first time during the course of final argument.

**5.** I am afraid to accede to the submissions on behalf of the Petitioner. It is trite the High Court ought to be extremely circumspect in interfering with the arbitral proceeding as minimum judicial interference is warranted, lest the arbitral process would be jeopardized and the object of the Arbitration and Conciliation Act 1996, would be frustrated.

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<sup>1</sup> (2022) 1 SCC 75.

**6.** It is not the case that the Petitioner was not aware of the onus which rested on the Petitioner to substantiate the case of frustration of contract on account of the alleged supervening circumstances. The exercise on the part of the Petitioner was clearly actuated by a design to reopen the evidence after the Respondent-Claimant concluded his submissions.

**7.** This is not a fit case to exercise the writ jurisdiction to interdict the arbitral process, at this stage of the arbitral proceeding.

**8.** The Petition thus stands dismissed.

[N. J. JAMADAR, J.]