

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

ARBITRATION APPEAL NO. 9 OF 2025

Century Rayon Employees Co Op

Housing Society Ltd

Versus

M S Roy And Associates

...Appellant (s)

...Respondent(s)

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Mr. Sandeep V. Bane a/w. Adv. Shubham S. Bane, Adv. Pooja S. Bane
and Adv. Shefali Jadhav, for Appellant.

Mr. Amol Thorat a/w Adv Sayli Patil, Adv Devesh Sawant, Adv Afsar
Ansari, Adv Kanhaiya Pagare, for Respondent.

CORAM : SOMASEKHAR SUNDARESAN, J.

Date : April 16, 2025

P. C.

1. Learned Counsel for the Respondent submits that these proceedings would not be maintainable since the impugned order is not an appealable order under Section 37 of the Arbitration and Conciliation Act, 1996 (“*the Act*”).

2. On a bare perusal of the impugned order, the very first paragraph would suggest that the Appellant had filed an Application before the Learned District Court, Thane asking for the arbitral award to be secured before entertaining the Respondent’s challenge under Section 34 of the Act. Such an application *prima facie* appears to be referable to Section 9 of the Act. It is

the rejection of such application that is contained in the impugned order dated November 6, 2024. Consequently, if that were so, the appeal would eminently be maintainable under Section 37 of the Act. Learned Counsel for the Respondent seeks some time to take instructions in the matter and to address the Court on this facet of the matter.

3. In these circumstances, list on the *Supplementary Board* on *April 25, 2025*.

4. 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.]