

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 11044 OF 2025
IN
ARBITRATION PETITION (ST) NO. 18235 OF 2025

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Saleem Mehmood Shaikh
and 3 Ors.

...Petitioners

Versus

Kundan Amichand Oswal

...Respondent

Ms. Roshani Naaz (*through VC*) *i/b GG Legal Associates, for*
Petitioners.

Mr. Ronak M. Utagikar, *for Respondent.*

CORAM : SOMASEKHAR SUNDARESAN, J.

Date : November 27, 2025

ORDER :

1. This appeal impugns an order dated June 11, 2024 passed under Section 9 of the Arbitration and Conciliation Act, 1996 (“***the Act***”) ahead of arbitration being commenced. It is common ground that in May 2025, the arbitral tribunal has entered reference and the proceedings are underway.

2. Therefore, this Appeal is being disposed of giving liberty to the Appellant to move the arbitral tribunal under the jurisdiction set out in Section 17 of the Act, with such request to vacate, vary or modify the

order passed under Section 9 of the Act as sought in this appeal, since the interlocutory measures to preserve the subject matter of arbitration agreement squarely falls in the domain of the arbitral tribunal.

3. With the aforesaid observations, the Appeal is ***finally disposed of*** leaving the parties to address the arbitral tribunal about the need to continue or put an end to or vary the interlocutory measures obtaining so far. It is made clear that the order under Section 9 being temporary in nature, the Learned Arbitral Tribunal has the fullest discretion to mould, modify or vacate the order passed under Section 9 as the Learned Arbitral Tribunal thinks fit and appropriate, in exercise of its jurisdiction under Section 17 of the Act.

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.]