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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL NO. 30 OF 2025

Vijay Kumar Chandrashekharan

... Appellant

V/s.

Pratham Vardvinayak Developers LLP and Ors.

... Respondents

Mr. Digvijay R. Singh with S.H. Singh i/b. R.T. Kharwar for the Appellant
Ms. Disha Karambar Mulgaonkar with Priya Rita i/b. Disha Karambar &
Associates for Respondent No. 7(a) and (b)

CORAM : ALOK ARADHE, CJ. AND
M.S. KARNIK, J.

DATE : 08th MAY 2025

PC. :

1. In this Appeal under Section 37 of the Arbitration and Conciliation Act, 1996, the Appellant has assailed the validity of an order dated 7th August 2023 by which an interim application filed by the Appellant in a proceedings under Section 9 of the Arbitration and Conciliation Act has been rejected.

2. Under Section 37 of the Arbitration and Conciliation Act, the Appeal lies against the following orders, which reads thus :-

“37. Appealable orders.

(1) [Notwithstanding anything contained in any other law for the time being in force, an appeal] [Substituted 'An appeal' by Act No. 33 of 2019, dated 9.8.2019.] shall lie from the following

orders (and from no others) to the Court authorised by law to hear appeals from original decrees of the Court passing the order, namely:

(a)[refusing to refer the parties to arbitration under section 8; [Substituted by Act No. 3 of 2016 dated 31.12.2015.]

(b)granting or refusing to grant any measure under section 9;

(c)setting aside or refusing to set aside an arbitral award under section 34.]

(2) An appeal shall also lie to a Court from an order of the arbitral tribunal

(a)accepting the plea referred to in sub-section (2) or sub-section (3) of section 16; or

(b)granting or refusing to grant an interim measure under section 17.

(3) No second appeal shall lie from an order passed in appeal under this section, but nothing in this section shall affect or take away any right to appeal to the Supreme Court.”

3. The impugned order dated 7th August 2023 is not an order passed under Section 9 of the Arbitration and Conciliation Act. Admittedly the proceedings under Section 9 of the Arbitration and Conciliation Act has been disposed of by a separate order.

4. In view of aforesaid, the learned Counsel for the Appellant seeks leave of this Court to withdraw the Appeal with the liberty to take recourse to such remedy as may be available to him in law.

5. With the aforesaid liberty, the Appeal is disposed of.

(M.S. KARNIK, J.)

(CHIEF JUSTICE)