

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

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COMM. ARBITRATION PETITION NO. 36 OF 2024

Alka Pramod Lath

...Petitioner

Versus

Gandhar Coals And Mines Pvt. Ltd.

...Respondent

Advocate for the Petitioner appeared but appearance not tendered.
Mr. Rohaan Cama a/w Mr. Dev Motta i/b Link Legal for the Respondent.

CORAM : SOMASEKHAR SUNDARESAN, J.

DATE : MAY 7, 2025

PC :

1. Having heard the parties for some time, it is apparent that the order passed by me does not need any clarification inasmuch as the parties had recorded consent to proceed to arbitration.

2. Needless to say, in all such situations, contentions on merits are always left open since that falls in the domain of the Arbitral Tribunal. Learned Counsel for the Original Petitioner submits that a very belated application under Section 16 of the Arbitration and Conciliation Act, 1996 (*“the Act”*) has been taken out. Learned Counsel for the Original Respondent submits that in the very first reply filed before the Learned Arbitrator such right to raise jurisdictional objections had been reserved.

3. All these are facets on merits and squarely fall within the domain of the Arbitral Tribunal. It is for the Arbitral Tribunal to take a view in

accordance with law based on the merits of the matter. It is not necessary for this Court to wade into the scope of such motions – it is eminently within the domain of the Learned Arbitral Tribunal to rule on whether or not the Section 16 Application is belated.

4. The Learned Arbitral Tribunal is requested to consider all requests made by the parties in such manner as may appeal to the Learned Arbitral Tribunal in accordance with law. It is the Learned Arbitral Tribunal that is the master of the arbitral proceedings. It is not for this Court to interfere and clarify or bless any applications, whether belated or otherwise. Whether any application is belated is itself a question to be decided by the Arbitral Tribunal.

5. 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.]