



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
ARBITRATION PETITION NO.257 OF 2024

Esco Micro Pte. Ltd.

...Petitioners

V/s.

Esco Biotech Pte. Ltd.

...Respondent

Dr. Abhinav Chandrachud with *Ms. Jimisha Dalal i/b. M/s. Singularity Legal LLP for the Petitioners.*

Mr. Snehal Shah, Senior Advocate with *Mr. Pranav Monani and Mr. Dhawal Gandhi i/b. M/s. Kanga & Co. for the Respondent.*

CORAM: SANDEEP V. MARNE, J.

DATED: 17 DECEMBER 2025.

P.C.:

1) This is a Petition under Section 34 of the Arbitration and Conciliation Act, 1996 (the **Arbitration Act**) challenging the order passed by the Arbitral Tribunal on 20 January 2024. By that order, the Arbitral Tribunal has decided essentially the application preferred by the Petitioner under Section 32 of the Arbitration Act questioning the authority of the Claimant to file the claim and vakalatnama.

2) Though not in the main application, Petitioner sought to raise the issue of arbitrability of aspect of oppression and mismanagement. While deciding the application of the Petitioner, the Arbitral Tribunal has apparently made observations in paragraph 24 of the impugned order that the Resolution dated 13 November 2019 does

not amount to oppression and mismanagement. Petitioner conceives this as a final finding on the objection of arbitrability of issue of oppression and mismanagement. This is the only apprehension with which the present Arbitration Petition is filed under Section 34 of the Arbitration Act treating the order dated 20 January 2024 as an Award.

3) It is seen that the Petitioner had not specifically raised the objection of arbitrability of issue of oppression and mismanagement in its application. The main objection of the Petitioner was with regard to the authority of the Claimant to file claim and vakalatnama. In that view of the matter, the observations made by the Arbitral Tribunal in paragraph 24 of the impugned order, while deciding the issue of lack of authority, would not necessarily amount to final adjudication of objection of arbitrability of the question of oppression and management.

4) There are serious objections to the maintainability of the present Arbitration Petition. However, considering the limited apprehension with which the Petition is filed, in my view, it is not really necessary to go into the issue of maintainability. Instead, it can be clarified that observations made in paragraph 24 of the impugned order shall not be treated as final adjudication of the objection of arbitrability on issue of oppression and mismanagement. As of now, there appears to be no pleading the in the Statement of Defence and consequently no issue is framed relating to arbitrability of dispute. The Petitioner would be free to exercise necessary remedies for framing of issue relating to arbitrability of dispute relating to oppression and mismanagement of the Company, in accordance with law.

5) Arbitration Petition is accordingly **disposed of** by clarifying that the observations made by the Arbitral Tribunal in paragraph 24 of the impugned order shall not be treated as final adjudication on the objection of arbitrability of dispute relating to oppression and mismanagement of the Company. It is also clarified that the order shall not be construed to mean as if this Court has held that the arbitral proceedings involve the dispute of oppression and mismanagement.

[SANDEEP V. MARNE, J.]