

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

ARBITRATION PETITION NO. 346 OF 2025

Ashraf Ahmed Majal

...Petitioner

Versus

Action Construction Equipment Limited

...Respondent

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Mr. Rahulkumar Tiwari, for Petitioner.

Ms. Sharon Patole, for Respondent.

CORAM : SOMASEKHAR SUNDARESAN, J.

Date : November 28, 2025

ORDER :

1. This Petition has been filed invoking provisions of Section 14(2) of the Arbitration and Conciliation Act, 1996 (“*the Act*”) challenging termination of arbitration proceedings by the learned arbitrator which effectively was done way back on November 16, 2018. The arbitrator had been appointed on July 4, 2014. Thereafter, the claim was not pursued, and after repeated requests for instructions, the Learned Arbitrator terminated the mandate on November 16, 2018.

2. The Petitioner contends that he got to know about the

termination for the first time only in December 2019, and he filed an application under Section 15(2) of the Act. This Application was filed on February 20, 2020. This application was withdrawn on July 17, 2023 to pursue appropriate legal remedies. Thereafter, the Petitioner filed a Recall Application before the Learned Arbitrator on August 30, 2023, which was disposed of by the Learned Arbitrator stating that there is no basis to recall the same. Thereafter, this Petition has been filed invoking Section 14(2) of the Act.

3. Learned Advocate relies upon a judgment of Delhi High Court in ***Mecwel Constructions Pvt. Ltd.***¹ to submit that since there has been no adjudication of the matter one way or the other, and no award has been passed, the proceedings cannot be said to have come to a concluded termination. If this was the case, the contention of the Petitioner ought to be that the arbitration agreement subsists, and therefore, he would need to invoke the subsisting arbitration agreement and file an application under Section 11 of the Act.

4. In these circumstances, this Petition is ***disposed of*** as misconceived, leaving the Petitioner to take an appropriate legal advice on how to fashion his attempt to re-initiate the arbitration.

1 Mecwel Construction Pvt. Ltd. Vs. GE Power Systems India Pvt. Ltd.-O.M.P. (T) (COMM.) 38/2025 & I.A.12346/2025 dt 14.10.2025

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.]