

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
COMMERCIAL ARBITRATION PETITION NO. 710 OF 2025**

Saraswathi Vidya Bhavan	... Petitioner
Vs.	
Tulsidal Construction	.. Respondent

Mr. Tushad Kakalia a/w. *Mr. Hormuz Mehta and Mr. Shaan Mamta Bhatt i/b J. Sagar Associates, for Petitioner.*

Mr. Sushant Arora a/w. *Ms. Vaishnavi Adhav i/b L.R. & Associates, for Respondent.*

CORAM : SOMASEKHAR SUNDARESAN, J.

Date : September 16, 2025

Order :

1. This is a Petition under Section 9 of the Arbitration and Conciliation Act, 1996 (“*the Act*”).
2. Since the Respondent has raised doubts about the Petitioner having purportedly sacked the engineer in charge, resulting in lack of empirical data to assess the true impact of the work done, and claims that dues owing for the work already done have been wrongfully withheld, it would be necessary to enable the parties to specifically crystalise the facts surrounding the role of the engineer in charge in the project. The Respondent may file a specific

affidavit dealing with all facets of these contentions relating to the engineer in charge, within a period of one week from today, i.e., *no later than than September 24, 2025*. The Petitioner shall deal with such affidavit and also bringing on record the entire factual matrix relating to the role of the engineer in charge in the project, which shall be done no later than September 30, 2025.

3. Since the request is to modify the order dated August 12, 2025, unless such factual matrix is available on oath to the Court, it would not be possible to take a view on modification of the order. Meanwhile, the parties shall proceed towards the statutory conciliation required under the Micro, Small and Medium Enterprises Development Act, 2006 (“**MSMED Act**”), if the Respondent has initiated a reference against the Petitioner before the Micro and Small Enterprise Facilitation Council (“**MSEFC**”). It is the case of the Petition that the invocation before the MSEFC is not at all addressed to the Petitioner. Be that as it may, it is totally open to the Respondent to also invoke conciliation followed by arbitration before the MSFEC. Stand over to *October 1, 2025*.

4. List Commercial Arbitration Application (L) No. 26436 of 2025 which is a connected Section 11 application along with this Petition on the next date.

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.]