

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
COMMERCIAL ARBITRATION PETITION NO. 867 OF 2025

Bhavesh Bhanushali ...Petitioner

Versus

MVK Properties Pvt. Ltd. & Ors. ...Respondents

Mr. G.S. Hegde, Senior Counsel, a/w P.M. Bhansali, for the Petitioner.

Mr. Zibin Behramkamdin, Senior Counsel, a/w Sakshi Kashyap, i/b Kaizeen Mistry, for Respondent No.1/Org. Claimant.

CORAM : SOMASEKHAR SUNDARESAN, J.

DATE : NOVEMBER 14, 2025

ORDER :

1. Heard the parties at some length. Having considered their submissions, what is writ large on the face of record is that the order impugned is rejection of an Application under Section 16 of the Arbitration and Conciliation Act, 1996 (“***the Act***”) holding essentially, *prima facie*, that no jurisdictional question is present; and even the questions presented involve mixed questions of fact and law, which will require examination of further evidence.

2. Such an order is not amenable the scope of jurisdiction under Section 37 of the Act.

3. Needless to say, Section 16 is explicit in its terms that a rejection of Application under Section 16 would not be amenable to a challenge and that it would indeed present a ground for consideration of a challenge under Section 34. Therefore, if and when the final award is challenged, the rejection of the Section 16 Application would be amenable to challenge.

4. In these circumstances, this Petition is *dismissed* as not being maintainable. Costs, if any, for this round of litigation shall be factored in by the Learned Arbitral Tribunal while assessing costs in the overall assessment of the matter.

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.]