

consistent with and in addition to the grounds raised in the arbitration petition.

2. Learned counsel for the respondent submits that the grounds raised regarding the jurisdiction would not amount to being consistent with the pleadings before the arbitrator and the grounds raised in the arbitration petition. He, however, points out various orders passed by this court. He submits that the attempt to file the application for amendment is only to delay hearing of the arbitration petition.

3. He points out the order dated 13th January 2025, where this court had recorded the commitments of the parties to file short and crisp note on submissions crystallizing the arguments and thus listed the petition for final disposal. Thereafter on 10th February 2025, adjournment was requested on behalf of the petitioner on the ground that settlement talks were being proposed by the petitioner to the respondent. To show bonafides regarding the settlement proposal, learned counsel for the petitioner had made a statement before the court on 10th February 2025, that the petitioner would be willing to deposit a portion of the amount involved to demonstrate the bonafides of the petitioner.

Accordingly it was directed that the amount awarded shall be deposited in the registry within four weeks from the date of the order. It was further clarified that such deposit would be subject to outcome of the petition. This court again by recording time commitments adjourned the petition to 27th March 2025.

4. Learned counsel for the respondent further points out that thereafter again the petition was adjourned on few occasions. Ultimately on 3rd October 2025 when time was asked for on behalf of the petitioner on the ground that the arguing counsel was not available, again a grievance was made on behalf of the respondent that directions issued on 10th February 2025 were not complied with. On that date learned counsel for the petitioner had tendered particulars of the calculations which were taken on record. A statement was made on behalf of the petitioner that an amount of Rs. 11 lakhs would be deposited. Hence, four weeks time was granted for compliance.

5. Learned counsel for the respondent further submits that on 7th November 2025 it is recorded that despite the earlier orders no compliance was made and the petition was

therefore directed to be listed for final disposal. Even on 7th November 2025 learned counsel who had appeared for the petitioner had requested for time on the ground that he was not ready for final disposal. Accordingly, the petition was directed to be listed on 21st November 2025.

6. On that date the matter did not reach, hence, it was adjourned to 28th November 2025. Again on 28th November 2025 adjournment request was made on behalf of the petitioner. Hence, the petition was adjourned to 12th December 2025. However, on 12th December 2025 the matter did not reach and hence petition is listed today.

7. Learned counsel for the respondent therefore submits that the interim application for amendment is filed only to prolong the hearing of the petition. He, however, submits that if the amendment application is to be allowed the main arbitration petition be heard today for final disposal as directed by the earlier orders. He submitted that the members of the society have already vacated and the project is left incomplete. Hence, the members of the society amongst whom some of them are senior citizens are facing hardship due to pendency of the petition. Learned counsel

for the respondent submits that in view of the pending litigation the society was unable to appoint any new developer. He therefore submits that subject to the petition being argued today for final disposal, the interim application be allowed.

8. Learned counsel for the petitioner submits that an amount of Rs. 11 lakhs is deposited. However, balance amount as per earlier order is not deposited.

9. I have perused the papers of the arbitration petition and the compilations. The proposed grounds by way of amendment are exhaustive in nature. However, the grounds can be considered as additional grounds to the original grounds raised in the arbitration petition. The proposed grounds are pertaining to the main objection raised on behalf of the petitioner that the members of the society were not party to the development agreement. Hence, by way of proposed amendments grounds are sought to be raised that the arbitral tribunal could not have been directed refund of the amounts that are paid by the members of the society who are not party to the agreement and the arbitration proceedings. Hence, considering the original grounds raised

and the pleadings the interim application is allowed.

10. The petitioner is permitted to carry out amendment to the petition in terms of the schedule. Amendment to be carried out within two weeks. Amended copy shall be served upon the learned Advocate for the respondent.

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11. I have heard the learned counsels for the parties at substantial length. However, learned counsel for the petitioner submits that he needs 10 minutes more to argue on the point of termination of the contract. Hence, list the petition on 22nd December 2025 – First on board. To be listed as part heard.

12. It is clarified that the learned Advocate for the petitioner shall conclude the remaining arguments within 10 minutes.

[GAURI GODSE, J.]