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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR-8122-2025(O&M)
Date of Decision:17.11.2025

SAMEER BANSAL AND ANOTHER

....Petitioner(s)

Versus

**M/S PREMEDIUM PHARMACEUTICALS PVT LTD AND
ANOTHER**

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Mahir Sood, Advocate,
for the petitioner.

JASGURPREET SINGH PURI, J. (Oral)

1. The present revision petition has been filed under Article 227 of the Constitution of India for setting aside the impugned order dated 30.09.2025 (Annexure P-13) passed by learned Sole Arbitrator, whereby the application filed by the petitioner for amendment of the statement of claim has been dismissed.

2. Learned counsel appearing on behalf of the petitioner submitted that in the present case a dispute arose between the parties and consequently, on the basis of an application filed before this Court under Section 11(6) of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as 'the Act'), a Sole Arbitrator was appointed on 16.12.2024 vide Annexure P-5. He submitted that thereafter, the arbitration proceedings started and the petitioner filed his statement of claim and the respondents filed their statement of defence before the learned Arbitrator. He submitted



that thereafter, the petitioner moved an application under Order 6 Rule 17 of the Code of Civil Procedure for amendment of the statement of claim before the learned Arbitrator and the aforesaid application was dismissed by way of the impugned order dated 30.09.2025 (Annexure P-13).

3. Learned counsel submitted that when he filed the claim, the same was of the total amount of Rs. 12,57,158/- and now he is seeking enhancement of the same to Rs. 21,29,648/- by way of amendment of the claim in view of the fact that at the time of filing of the claim some expenses which were incurred on the rented premises were not mentioned in the statement of claim and therefore, he wishes to increase the claim amount, which has been denied by the learned Sole Arbitrator without any cogent reason and therefore, the present petition has been filed. He submitted that the impugned order passed by the learned Sole Arbitrator may be set aside and he may be permitted to substitute statement of enhanced claim before the learned Sole Arbitrator.

4. I have heard the learned counsel for the petitioner.

5. On the last date of hearing, the following order was passed:-

“On a query being raised to the learned counsel for the petitioners with regard to the maintainability of the present petition, he prays for some time to address arguments on the maintainability of the present petition.

On his request, adjourned to 17.11.2025.”

6. Today, learned counsel appearing on behalf of the petitioner while arguing on the maintainability and entertainability of the present petition submitted that the impugned order has been passed by the learned Sole Arbitrator which has been assailed directly before this Court by filing the present petition under Article 227 of the Constitution of India but the



same would be maintainable in certain circumstances. He submitted that the present case falls in the category of exceptional rarity and in case the application of the petitioner for amendment is not allowed, then it would cause miscarriage of justice. He submitted that this Court can always under Article 227 of the Constitution of India exercise its powers for intervention even in the orders passed by the learned Sole Arbitrator in facts and circumstances of each and every case. He also referred to a judgment of Hon'ble Supreme Court in ***Deep Industries Ltd. Versus Oil and Natural Gas Corporation Ltd. and another, (2020) 15 SCC 706*** to substantiate his arguments.

7. This Court has carefully gone through the order passed by the learned Sole Arbitrator. On the ground of maintainability and entertainability, this Court has already passed a detailed judgment in ***Jalandhar Improvement Trust and others Versus Shourya Towers Private Limited, CR No.6014 of 2025, decided on 06.11.2025***, wherein this Court has also discussed all the case laws pertaining to the aforesaid proposition of law. It is therefore a settled position of law that the powers under Articles 226 and 227 of the Constitution of India are Constitutional powers and cannot be curtailed by any provision of law or statute. However, at the same time, so far as the intervention which is sought in the present case regarding a procedural order passed by the learned Arbitrator whereby application for amendment of statement of claim has been rejected is concerned, the only thing which is to be seen in the light of the facts and circumstances of the present case is whether it falls in the category of exceptional rarity or lack of inherent jurisdiction. The relevant portion of the aforesaid judgment passed by this Court after considering the law down by a Seven Judges Constitution Bench of Hon'ble Supreme Court in ***M/s. S.B.P. & Co.versus Patel Engineering Ltd., 2005(8) SCC 618***, a Seven Judges



Constitution Bench of Hon'ble Supreme Court in ***Interplay Between Arbitration Agreements Under Arbitration and Conciliation Act, 1996 and Stamp Act, 1899, in Re:***”, (2024) 6 SCC 1 also in ***Deep Industries Ltd.'s case (Supra) and Bhaven Construction through Authorized Signatory Premji Bhai K. Shah Vs. Executive Engineers, Sardar Sarovar Narmada Nigam Limited and another, (2022)1 SCC 75*** is reproduced as under:-

“42. Hon'ble Supreme Court in the aforesaid judgments has given large impetus to the provision of Section 5 of the Arbitration Act which provides for a non obstante clause. This is so clear from both the judgments passed by Seven-Judges Constitution Bench of Hon'ble Supreme Court in *M/s SBP & Company Vs. Patel Engineering Ltd. & Another's case (Supra)* and *Interplay Between Arbitration Agreements Under Arbitration and Conciliation Act, 1996 and Stamp Act, 1899, in Re: (Supra)*. On the proposition of law with regard to the judicial interference, both the learned Senior Counsels for the parties have not disputed that the jurisdiction of the High Court under Article 226 and 227 of the Constitution of India cannot be taken away even if there is a contrary provision in any statute. However, it was the submission of the learned Senior Counsel for the respondent that it was not a case of maintainability of the present revision but it is a case of entertainability of the present petition in the facts and circumstances of the present case because with the operation of the provisions of Section 23(4) of the Arbitration Act, the aforesaid right had to be forfeited by the operation of law and this was precisely what was done by learned Arbitral Tribunal.

43. In *M/s Deep Industries Limited's case (Supra)* which was referred to by both the learned Senior Counsels for the parties, it was a case of an order being passed under Section 17 of the Arbitration Act by the learned Arbitral Tribunal against which an appeal was filed under Section 37 of the Arbitration Act and that order under Section 37 of the Arbitration Act was



challenged under Article 227 of the Constitution of India which was allowed by the High Court and the order of the City Civil Court was set aside. It was held by Hon’ble Supreme Court that Article 227 of the Constitution of India remained untouched by Section 5 of the Arbitration Act but the provision of Article 227 of the Constitution of India can be invoked only when there is patent lack of inherent jurisdiction. Similarly, in Bhaven Construction’s case (Supra), again it was so held that it is only in exceptional rarity that the party is left remediless or there is clear bad faith only then intervention can be done under Article 227 of the Constitution of India.

8. After hearing the learned counsel for the petitioner and perusing the impugned order passed by learned Sole Arbitrator, this Court is of the considered view that the present case does not fall under any of the aforesaid categories. The non-obstante clause contained in Section 5 of the Act will straightaway come into play and this Court would therefore not entertain the present petition filed by the petitioner under Article 227 of the Constitution of India challenging a procedural order passed by learned Sole Arbitrator with regard to the amendment of statement of claim.

9. Consequently, finding no merit in the present petition, the same is hereby dismissed.

17.11.2025

(JASGURPREET SINGH PURI)

rakesh

JUDGE

Whether speaking	:	Yes/No
Whether reportable	:	Yes/No