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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 5461/2025

KRANTI AUTOMOBILES LTD THROUGH ITS DIRECTOR MR
AMIT BHATIAPetitioner

Through: Mr. Rajat Chaudhary, Mr. Gautam
Singhal, Mr. Bhilashi Chopra, Ms.
Anjali Maurya and Mr. Karan Nagpal,
Advs.

versus

HARI AUTOMOBILESRespondent

Through: Mr. Rajiv Talwar and Mr. Pushkar
Karni Sinha, Advs.

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

% **28.04.2025**

CM APPLs.24908/2025 (Exemption from filing certified copies of annexures) and 24909/2025 (Exemption from filing typed copy of dim documents/annexures)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

W.P.(C) 5461/2025 and CM APPL.24910/2025 (Stay)

3. The petitioner in the present case is aggrieved by an order dated 17.03.2025, passed by Learned Sole Arbitrator whereby an application under Section 16 of the Arbitration and Conciliation Act, 1996 (A&C Act) filed by the petitioner (respondent in the arbitral proceedings) has been dismissed.

1. Section 16(5) and Section 16(6) of the A&C Act specifically provides as under :-

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“(5) The arbitral tribunal shall decide on a plea referred to in sub-section (2) or sub-section (3) and, where the arbitral tribunal takes a decision rejecting the plea, continue with the arbitral proceedings and make an arbitral award.

(6) A party aggrieved by such an arbitral award may make an application for setting aside such an arbitral award in accordance with section 34.”

2. As such, the petitioners are not precluded from raising appropriate objections by way of an application under Section 34 of the A&C Act, at the appropriate stage.

3. In the circumstances, this Court does not find it apposite to interfere with the impugned order in these proceedings. It has been repeatedly held in catena of judgments that the scope of jurisdiction while entertaining the petition under Article 226 and 227 against an order passed by the Arbitral Tribunal is extremely narrow and limited. In this regard reference may be made to **SBP & CO. v. Patel Engineering Ltd. and Another**, 2005 SCC OnLine SC 1553 and **Bhaven Construction v. Executive Engineer, Sardar Sarovar Narmada Nigam Limited And Another**, 2021 SCC OnLine SC 8.

4. In view thereof, learned counsel for the petitioner seeks leave to withdraw the present petition with liberty to assail the award that may be passed in the arbitral proceedings in accordance with law *inter alia* on the ground that the petitioner’s application under Section 16 of the A&C Act was has been wrongly rejected.

5. The petition is accordingly, dismissed as withdrawn, with liberty as prayed for.

SACHIN DATTA, J

APRIL 28, 2025/cl

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