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

+ W.P.(C) 8864/2025 and CM APPL.37863/2025 (Stay)

GREEN LAND MOTORS & ORS.Petitioners

Through: Advocate (appearance not given).

versus

TATA CAPITAL FINANCIAL SERVICES LIMITED & ORS.

.....Respondents

Through:

CORAM:

HON'BLE MR. JUSTICE SACHIN DATTA

ORDER

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02.07.2025

CM APPLs.37864/2025 and 37865/2025 (Exemption)

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

W.P.(C) 8864/2025

3. The present petition has been preferred by the petitioner under Article 226/227 of the Constitution of India, assailing an order dated 28.05.2025 passed by the learned Sole Arbitrator. The said order has been passed on an application filed on behalf of the respondent no.1/claimant under Section 27(5) of the Arbitration and Conciliation Act, 1996 (hereinafter '*the A&C Act*') seeking initiation of contempt proceedings against the petitioners.
4. It is the case of the petitioner that the learned Sole Arbitrator has passed the impugned order in utter disregard of the factual conspectus and without considering the legal position. It is submitted that the petitioners have been subject to great prejudice on account of the impugned order.
5. The operative portion/concluding direction of the order passed by the



learned Sole Arbitrator reads as under:

“36. In view of the above, the Tribunal makes a reference to the High Court of Delhi in accordance with the provisions of Section 27(5) of the Arbitration and Conciliation Act, 1996 invoking its jurisdiction for taking appropriate action against the Respondent Nos.1, 2 and 5 for deliberate and contumacious violation of the orders of this Tribunal dated 19.04.2024 and 02.09.2024.”

6. The law is well settled that the scope of interference in arbitral proceedings under Article 226/227 of the Constitution of India is extremely limited. In this regard reference is apposite to judgments rendered by the Supreme Court in ***Bhaven Constructions vs Executive Engineer, Sardar Sarovar Narmada Nigam Limited and Anr.***, (2022) 1 SCC 75; and this Court in ***Sadbhav Engineering Ltd. vs Micro and Small Enterprises Facilitation Council and Ors.***, 2025 SCC OnLine Del 319 and ***Surender Kumar Singhal and Ors. vs Arun Kumar Bhalotia and Ors.***, 2021 SCC OnLine Del 3708.

7. It is noticed that the impugned order seeks to make a reference to the Court in accordance with the provisions of Section 27(5) of the A&C Act. Necessarily, the reference Court which would examine the matter will also have occasion to consider the contention/s made on behalf of the petitioners as regards the justifiability of the order passed by the learned Sole Arbitrator.

8. In the circumstances, this Court is not inclined to entertain the present petition at this stage. However, liberty is granted to the petitioners to make appropriate submissions before the concerned Bench which will examine the matter pursuant to the reference made by the learned Sole Arbitrator *vide* paragraph 36 of the order dated 28.05.2025. All rights and contentions of the petitioner in this regard are expressly reserved. It is, however, made clear



that this order shall not be constructed as an expression of opinion of this Court as regards thereto.

9. The present petition is disposed of in the above terms. Pending application also stands disposed of.

SACHIN DATTA, J

JULY 2, 2025/at