IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5083 OF 2026

Warana Sugar Limited & Anr. .. Petitioners

Versus

Refex CBG Kolhapur Private Limited
(Formely known as Spectrum Renewable
Energy Private Limited) .. Respondent

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Mr. Datta Pawar with Ms. Sakshi Jankar, Advocate for the Petitioners.
Mr. Rajeev Singh with Mr. Saurabh Bachhawat i/b Mr. Rahul Patil, Advocate for the Respondent.

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CORAM : SHAILESH P. BRAHME, J.
DATE : 5TH OCTOBER, 2026.

ORDER :

. Heard both sides.

2. The present Writ Petition is directed against the order dated 28.09.2024 passed by the learned District Judge-2, overruling the objection to the application at Exhibit-9 submitted by the Respondent under Section 9 of the Arbitration and Conciliation Act, 1996.

3. The counsel for the Petitioner has argued that the application

at Exhibit-9 is not maintainable and the Respondent had no locus standi to invoke the powers. The privity of contract was between the Petitioner and the erstwhile Spectrum Renewable Energy Private Limited, and the Respondent is stated to be a stranger.

4. Learned counsel appearing for the Respondent would submit that the impugned order has been rightly passed, and my attention is also adverted to the order passed by this Court on 01.10.2026 in Interim Application (ST) No. 9053 of 2024 in Arbitration Appeal (ST) No. 9052 of 2026.

5. It is submitted that the Petitioner is estopped from challenging the locus of the Respondent. The correspondence produced on record and the documents submitted by the Respondent would indicate that the Respondent has acquired the shares of the erstwhile company. It is submitted that, instead of responding to the appointment of the arbitrator, the Petitioner has indulged in protracting the proceedings. There is grave urgency for the Respondent and the District Court is seized of the matter.

6. I have considered the rival submissions of the parties. I have also gone through the impugned order passed by the District Judge

on 28.09.2024. The objection of the Petitioner regarding the maintainability of the application at Exhibit-9 preferred by the Respondent has been overruled by the said order. It transpires during the course of arguments that the documents by which the Respondent acquired the shares and stepped into the shoes of the erstwhile company have not been placed before the District Court.

7. It further transpires that the Respondent claims to have exigency in the matter. The proceeding, which was disposed of by this Court vide order dated 01.10.2024, is indicative of the fact that applications for temporary mandatory injunction were pressed into service, and this Court granted liberty to the Respondent to disclose the exigency to the District Court for deciding those applications.

8. Considering the rival submissions of the parties and having gone through the relevant material placed on record, I am of the considered view that the District Court is seized of the matter preferred under Section 9 of the Act. The parties have not placed all the documents before the Court, either for deciding the maintainability of the application at Exhibit-9 or the locus of the Respondent and/or the exigency in the matter for the Respondent.

9. The piecemeal enquiry into the maintainability and/or the merits of the proceedings needs to be avoided under the given facts and circumstances of the case. It would be appropriate for the District Court to simultaneously decide all the objections of both sides, as well as all the merits of the matter.

10. This Court has to adopt an equitable view because the Respondent in the earlier round of litigation before this Court, expressed exigency for it in the matter.

11. Under such circumstances, I dispose of this Petition by granting liberty to the parties to agitate their grievances against each other, and direct that the enquiry be conducted threadbare within the stipulated period, dealing with all aspects of the matter which would fall within the purview of Section 9 of the Act.

12. The Writ Petition is **disposed** of, and the impugned order is substituted by the following directions:

> i. Both parties shall be at liberty to raise their grievances or objections in writing against the applications filed by them, which shall be decided expeditiously on their own merits, without being influenced by any of the orders passed in this matter as well as in the earlier matter referred above.

ii. The parties shall file their applications as well as replies within a period of two weeks from today, and they shall serve copies thereof upon the other side well in advance.

iii. The District Judge shall decide the objections as well as the merits of the matter, which would fall within the realm of Section 9 of the Act, within a period of one month, after extending an opportunity of hearing to the parties.

[SHAILESH P. BRAHME J.]

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