

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

WRIT PETITION NO. 227 OF 2026

Balasaheb Kashinath Shinde

...Petitioner

VERSUS

Jankalyan Multi State Co-operative
Credit Society Ltd. Solapur.

...Respondent

Mr. Sachinkumar Rajepandhare, Advocate for Petitioner.

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CORAM : NITIN B. SURYAWANSHI, J.

DATE : 29th JANUARY 2026

P.C.

1. By this Petition filed under Article 227 of the Constitution of India, the Petitioner takes exception to the order dated 16.10.2025 passed by the learned District Judge-2, Solapur in Civil M.A. No.1120 of 2025. The Petitioner further seeks modification of the order passed below Exhibit-21 by the learned sole Arbitrator by allowing the application in terms of the prayers made therein.

2. The Respondent-Society initiated arbitration proceedings bearing Arbitration Case No.ARB/JMCS/2021/01 against the Petitioner for recovery of the loan due in Petitioner's loan Account No.302/109. On notice, the Petitioner appeared in the said proceedings and by filing an application at Exhibit-21. Along with the application, the Petitioner filed loan account extract of his loan account No.302/109 and sought direction to take the same on record.

By order dated 04.09.2025, the learned Arbitrator partly allowed the application Exhibit-21, thereby accepting the documents filed by the Petitioner. However, Petitioner's prayer seeking direction to the Respondent-Society to produce the documents sought by the Petitioner is rejected. The Petitioner filed an appeal under Section 37 of the Arbitration and Conciliation Act, 1996 ("said Act"), challenging the said order before the District Court. The said appeal is held to be not maintainable. Hence, the Petition.

3. Heard learned Advocate for Petitioner. Perused the documents placed on record.

4. The Petitioner submits that the order passed by the learned Arbitrator rejecting his prayer is passed under Section 17 of the said Act, hence, the appeal filed by the Petitioner under Section 37 of the said Act is maintainable and the District Court has committed an error in holding that the appeal is not maintainable.

5. It is apposite to refer relevant provisions of the said Act here:

"17. Interim measures ordered by arbitral tribunal.

*(1) A party may, during the arbitral proceedings 2***, apply to the arbitral tribunal—*

(i) for the appointment of a guardian for a minor or person of unsound mind for the purposes of arbitral proceedings; or

(ii) for an interim measure of protection in respect of any of the following matters, namely:-

(a) the preservation, interim custody or sale of any goods which are the subject-matter of the arbitration agreement;

(b) securing the amount in dispute in the arbitration;

(c) the detention, preservation or inspection of any property or thing which is the subject-matter of the dispute in arbitration, or as to which any question may arise therein and authorising for any of the aforesaid purposes any person to enter upon any land or building in the possession of any party, or authorising any samples to be taken, or any observation to be made, or experiment to be tried, which may be necessary or expedient for the purpose of obtaining full information or evidence;

(d) interim injunction or the appointment of a receiver;

(e) such other interim measure of protection as may appear to the arbitral tribunal to be just and convenient, and the arbitral tribunal shall have the same power for making orders, as the court has for the purpose of, and in relation to, any proceedings before it.

(2) Subject to any orders passed in an appeal under section 37, any order issued by the arbitral tribunal under this section shall be deemed to be an order of the Court for all purposes and shall be enforceable under the Code of Civil Procedure, 1908 (5 of 1908), in the same manner as if it were an order of the Court.]

19. Determination of rules of procedure.

(1)...

(2)...

(3)...

(4) The power of the arbitral tribunal under sub-section (3) includes the power to determine the admissibility, relevance, materiality and weight of any evidence.

37. Appealable orders.

(1) [Notwithstanding anything contained in any other law for the time being in force, an appeal] shall lie from the following orders (and from no others) to the Court authorised by law to hear appeals from original decrees of the Court passing the order, namely:-

[(a) refusing to refer the parties to arbitration under section 8;

(b) granting or refusing to grant any measure under section 9;

(c) setting aside or refusing to set aside an arbitral award under section 34.]

(2) An appeal shall also lie to a court from an order of the arbitral tribunal,-

(a) accepting the plea referred to in sub-section (2) or sub-section (3) of section 16; or

(b) granting or refusing to grant an interim measure under section 17.

(3) No second appeal shall lie from an order passed in appeal under this section, but nothing in this section shall affect or takeaway any right to appeal to the Supreme Court."

6. Bare reading of Section 17 of the said Act makes it clear that, the powers under Section 17 can be invoked only in the contingency contemplated in the said section. The case of the Petitioner does not fall in any of the contingency of Section 17. Therefore, the argument of the Petitioner that learned Arbitrator has passed the order which is covered under Sub-section (e) of Section 17 is misplaced and misconceived.

7. Section 37 of the said Act provides that appeal shall lie against the orders mentioned therein and would include an order granting or refusing to grant interim measure under Section 17 of the said Act.

8. Perusal of the impugned order shows that the arbitration proceedings are filed in respect of loan account No.302/109 and the Petitioner had sought documents of his closed loan accounts and saving account, which according to the learned Arbitrator were not relevant for the purpose of deciding the arbitration proceedings. It is observed that the documents pertaining to loan account No.302/109 are already on the file and therefore it is not necessary to call the documents in respect of past transactions and accounts of other depositors except loan account of the Petitioner.

The scheme of the said Act does not permit a challenge like the one raised by the Petitioner at this Stage.

9. It is evident from the impugned order that learned Arbitrator has passed the impugned order under Sub-section (4) of Section 19 of the said Act.

10. It is thus clear that the learned Arbitrator has determined the admissibility and relevancy of the documents sought by the Petitioner, by exercising powers under Sub-Section (4) of Section 19 of the said Act. Such matters are purely in the domain of the arbitral Tribunal and it is well settled that the scope of judicial intervention at interim stage is circumspect and has to be within the well defined contours. The Petitioner has failed to make out a case to interfere in the order passed by the arbitral Tribunal at interim stage. There is no error of law or jurisdictional error committed by the learned Arbitrator while passing the impugned order.

11. In view of the above, the District Court was right in holding that the appeal filed by the Petitioner is not maintainable.

12. For the aforestated reasons, no case is made out by the Petitioner to exercise extraordinary writ jurisdiction. The Writ Petition being devoid merit, is dismissed.

(NITIN B. SURYAWANSHI, J.)