

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

ARBITRATION APPEAL NO. 4 OF 2026

Chikanghar Shantidoot Cooperative Housing Society Ltd Thr Secretary Ashish Eknath More ...Appellant

Versus

M/S Tycoons Avani Projects LLP ...Respondent

Mr. G.N. Salunke, a/w P.A. Pol, Ranjit S. Hatkar, i/b Pol Legal Juris, for the Appellant.

Mr. Gouresh Mogre, i/b Harshad Bhadbhade, for Respondent.

CORAM : SOMASEKHAR SUNDARESAN, J.

DATE : February 25, 2026

ORDER :

1. Having heard the parties, without commenting on the merits of the matter, the challenge to the Impugned Order dated October 27, 2025 is being disposed of in the following terms.

2. The Impugned Order simply refuses to consider the Application filed under Section 8 of the Arbitration and Conciliation Act, 1996 on the premise that the Application cannot be made “in a pending Suit”. This observation is found to be untenable. A Section 8 application has to be made in the pending proceedings, which is the Suit.

3. Should the Registry of the Court have any objections to the format or manner of presentation, such objections should be conveyed to the Appellant as defects, which shall be rectified within such reasonable period as the Registry notifies for the defects to be cured. The rejection of the Application on the basis of Clause 328A of the Civil Manual does not appear to be accurate. The said provision does not shed any light on the thinking adopted by the Learned Judge in rejecting the Application.

4. Therefore, the Impugned Order is quashed and set aside and the Registry of the Court of the Civil Judge Senior Division, Kalyan is directed to issue formal objections and communication of defects, if any, to the Appellant so that he could deal with such objections and cure the defects, and upon doing so, the Section 8 Application shall be considered on merits by the Court on the judicial side.

5. This Appeal is ***finally disposed of.***

6. All actions required to be taken pursuant to this order shall be taken upon receipt of a downloaded copy as available on this Court's website.

[SOMASEKHAR SUNDARESAN, J.]