

Santosh

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

WRIT PETITION NO. 3320 OF 2026

National Agricultural Co Op Marketing
Federation Of India Ltd

...Petitioner

Versus

Prabhu Hira Cold Chain LLP Through Its
Authorized Signatory Shekhar Lalchand
Gupta

...Respondent

SANTOSH
SUBHASH
KULKARNI

Digitally signed by
SANTOSH
SUBHASH
KULKARNI
Date: 2026.03.14
10:45:42 +0530

Mr. G. S. Godbole, a/w Shashipal Shankar and Abhishek
Bhojne, for the Petitioner.

Mr. Rohan Rajyadyaksha, a/w Subhradeep Banerjee, i/b Ashok
Saraogi, for the Respondent.

CORAM: N. J. JAMADAR, J.

DATED: 13th MARCH, 2026

PC:-

1. Heard the learned Counsel for the parties.
2. The challenge in this petition is to an order dated 20th February, 2026 passed by the learned Civil Judge, Belapur, whereby the learned Judge has directed that, the application under Section 8 of the Arbitration and Conciliation Act, 1996 and the application for temporary injunction (Exhibit-5) and objection as to the bar of law to the maintainability of the suit under Order VII Rule 11(d) of the Code of Civil Procedure, 1908 would be heard and decided together.

3. From the perusal of the *roznama* of the proceedings dated 20th February, 2026, it becomes abundantly clear that the hearing of the application under Section 8 of the Arbitration and Conciliation Act, 1996 is already complete. It would thus be in the fitness of things that the learned Civil Judge decides the application under Section 8 of the Arbitration and Conciliation Act, as the question, whether the Court should proceed with the suit or refer the parties to arbitration in accordance with the arbitration agreement hinges upon the determination of the application under Section 8 of the Act, 1996.

4. In this view of the matter, the learned Civil Judge is directed to hear and decide the application under Section 8 of the Arbitration and Conciliation Act, in the first instance, and depending upon the outcome of the said application, pass an appropriate order or hear the other applications in the suit, as the case may be.

5. The petition stands disposed.

[N. J. JAMADAR, J.]