

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION**

COMMERCIAL ARBITRATION PETITION NO. 15 OF 2025

Rajeev Manmohan Gupta

...Petitioners

Versus

Brijwasi Builders

...Respondents

Mr. Nirman Sharma *i/b Mr. Manoj Agre, for the Petitioners.*

Mr. Naresh Jain *a/w Ms. Priyanshi Jain, for Respondent Nos. 1, 3 & 4.*

Mr. Dishang Shah *a/w Ms. Kinjal Gogri h/f Mr. Piyush Shah, for Respondent No. 2.*

CORAM : SOMASEKHAR SUNDARESAN, J.

DATE : APRIL 23, 2026.

ORDER :

1. The challenge in this Petition is to the Impugned Order dated September 21, 2024, passed by the sole arbitrator in the Application taken out by the Claimants under Section 17 of the Arbitration and Conciliation Act, 1996 ("***the Act***"). The Petitioners are admittedly retired partners, who had invested a sum of Rs. 7,83,00,000/- in the capital of the Partnership Firm, namely, Brijwasi Builders, Respondent No. 1. They had been inducted by

and under the Deed of Admission of new partners read with a Reconstituted Partnership Deed both dated December 1, 2021.

2. Disputes between the parties essentially centre on the claim by the Petitioners for the refund of the capital contribution invested in the Partnership Firm, pursuant to their retirement, by which date (March 31, 2022) the capital of the Petitioners in Respondent No. 1 Partnership Firm was Rs. 5,58,00,000/-.

3. This being the subject matter of the dispute, the learned Arbitrator observed from the record that the project in question of the erstwhile partner of Respondent No. 1, Mr. Jainarayan Agarwal, was underway and pursuant to the Joint Affidavit filed by Respondent Nos. 1 to 4 with the Tribunal, a certain constructed area was marked as security in favour of the Petitioners/Claimants. The learned Arbitrator accepted this position and passed the interim order Two years later.

4. Mr. Nirman Sharma, Learned Counsel for the Petitioners, states there has been no progress whatsoever in nature in connection with the offered property. He submits that no construction has taken place and the relief to the Petitioners has

turned out to be illusory. This factual position would at best enable the Petitioners to go back to the Tribunal to re-assess the interlocutory measure to protect the subject matter of the arbitration. The Impugned Order, on its own showing, calls for this Court to interfere in the exercise of its jurisdiction under Section 37 of the Act.

5. No case for an interference with the Impugned Order has been made out. Therefore, without any interference, giving liberty to the Petitioners to approach the learned Arbitral Tribunal to indicate that the relief envisaged in the Impugned Order has turned out to be illusory, this Petition is ***finally disposed of***.

6. Needless to state that nothing has been expressed on the merits in favour of either party.

7. 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.]