



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

ARBITRATION APPEAL NO. 32 OF 2026

(M/s Moonwalk Constructions, Nagpur V/s M/s L. N. Foods, Nagpur & Ors.)

Office Notes, Office Memoranda of Coram,
Appearances, court's orders or directions and
Registrar's orders

Court's or Judge's orders

Mr. K. N. Shukul, Advocate for Appellant.

CORAM : PRAVIN S. PATIL, J.
DATE : FEBRUARY 18, 2026.

. Heard.

2. This Appeal came to be filed against the order dated 16/2/2026 passed below Exhibit-5 in Arbitration Case No. 71/2026 by the District Judge-9, Nagpur.

3. The Applicant has expressed apprehension that during pendency of the proceeding, if any new Contractor has been appointed, then the work which he has carried out will not be measured properly and there will be dispute about how much work he has carried out during his tenure as the Contractor. Hence, for this reason he pressed for interim direction against the Respondents not to appoint any third person as a Contractor during pendency of the proceeding.

4. In this regard, the learned District Judge has recorded finding in paragraph No.6 of the order as under :

“6. The relief sought in the application under Section 9 of

the Arbitration and Conciliation Act as prayed by the applicant in main prayer if considered it is regarding direction to the non-applicants to deposit outstanding amount of Rs.1,01,20,952/- and in alternative deposit the outstanding certified amount of Rs.80,97,576/-. Another prayer is to restrain the non-applicants from appointing new contractor and for appointment of a Court Receiver or the Commissioner. If the nature of the dispute between the parties is concerned then it cannot be said that the damage which may suffer by the other party cannot be calculated in terms of money. Considering the same, at this stage ad interim exparte order of injunction or stay is not justified without hearing the non-applicants by issuing the notices. It cannot be said that even if the work is started and initiated by the another contractor, the work already done by the applicant cannot be measured. So far as cited case law (supra) are concerned there is no doubt regarding the powers of the Court to grant relief at initial stage of the proceeding and if necessary ad-interim exparte relief. However, the entitlement of the same by applicant is material one which does not appear in the present case without notice to the other side. Considering the same, the prayer for ad interim exparte stay or injunction order as claimed by the applicant is rejected. Issue notices to the non-applicants to state as to why the reliefs sought in the application should not be granted.”

5. In my opinion, considering the grievance raised by the present Applicant in the matter, the Respondents can be directed that if they allotted the work of contract to any new Contractor, they can put a condition that after measurement of the work done by the present Applicant, in presence of the Applicant or through

his authorised person and the new Contractor can start the work. However, for that purpose, appearance of the Respondents is necessary.

6. Accordingly, issue notice to the Respondents, returnable on 23rd February, 2026.

7. In addition to regular mode of service, the Applicant is permitted to serve the Respondents by all modes of private service, as permissible in Rules, and file affidavit of service on record.

8. List the matter on 23rd February, 2026.

9. If the Respondents have appointed any new Contractor, he should not start the construction work till 23rd February, 2026.

10. Parties to act upon the authenticated copy of this order.

[PRAVIN S. PATIL, J.]

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