IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

TUESDAY, THE TWENTY FIRST DAY OF APRIL
TWO THOUSAND AND TWENTY SIX

PRESENT

THE HONOURABLE JUSTICE MOUSHUMI BHATTACHARYA
AND
THE HONOURABLE SRI JUSTICE GADI PRAVEEN KUMAR

COMMERCIAL COURT APPEAL NO: 22 OF 2026

Appeal filed under section 37(1)(b) of the Arbitration and Conciliation Act, 1996 R/W Section 13 of the Commercial Courts Act, 2015 against the Judgment and decree dated 10.02.2026 passed in C.O.P No. 28 of 2026 on the file of the Court of the Judge, Principal Special Court in the Cadre of District Judge for Trial and Disposal of Commercial Disputes at Hyderabad.

Between:

Sparsh Hospitals and Critical Care Private Limited, Having its Registered Office at Plot No.A1407, Sahid Nagar, Bhubaneshwar 751007, Odisha State, India. Rep By its Director Finance Sri Bidhubhusan Nayak.

...**APPELLANT/RESPONDENT**

AND

Cancer Treatment Services Hyderabad Private Limited, Having its Registered Office at Door No.1100/1/CCH, Nallagandla Village, Serilingampally Mandal, Hyderabad 500019, Telangana, India, Represented by its Authorised Signatory Mohammed Faisal Siddiqui.

...**RESPONDENT/PETITIONER**

I.A. NO: 2 OF 2026

Petition under Section 151 of CPC R/w filed under Section 37(1)(b) of the Arbitration and Conciliation Act, 1996 R/W Section 13 of the Commercial Courts Act, 2015 praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to SUSPEND the operation of the impugned

order dated 10.02.2026 passed by the Principal Special Court in the Cadre of District Judge for Trial and Disposal of Commercial Disputes, City Civil Court at Hyderabad, in C.O.P. No. 28 of 2026, insofar as to deposition of Rs. 6,69,52,278/- in the Trial Court within four weeks from service of notices, and pass such order or orders as this Court deems fit and proper to the circumstances of the case.

Counsel for the Appellant : **Mr. G. Vidyasagar Senior Counsel representing Mr. Sai Prasen Gundavaram, Advocate**

Counsel for the Respondent : **Mr. D Narendar Naik**

The Court delivered the following:

HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

THE HON'BLE JUSTICE MOUSHUMI BHATTACHARYA
AND
THE HON'BLE JUSTICE GADI PRAVEEN KUMAR

COMCA No.22 OF 2026

DATE: 21.04.2026

Between:

Sparsh Hospitals and Critical Care Private Limited

... Appellant

And

Cancer Treatment Services Hyderabad Private Limited,

...Respondent

Mr. G. Vidyasagar, learned Senior Counsel representing Mr. Sai Prasen Gundavaram, learned counsel appearing for the appellant.

Mr. D. Narendar Naik, learned counsel appearing for the respondent.

JUDGMENT: (Per Hon'ble Justice Moushumi Bhattacharya)

1. The Commercial Court Appeal has been filed against an order dated 10.02.2026 passed by the learned Commercial Court in a Commercial Original Petition (C.O.P.No.28 of 2026) filed by the respondent under section 9 of The Arbitration and Conciliation Act, 1996 ('the 1996 Act'). The respondent sought for an *ex parte* ad-interim order directing the appellant to secure the admitted outstanding dues of Rs.6,69,52,278/- along with

contractual interest @ 15% per annum from the due date till the date of payment by depositing the sum into the Court with liberty to the respondent to withdraw the same.

2. By the impugned order, the Commercial Court directed the appellant to deposit Rs.6,69,52,278/- in Court within 4 weeks from the date of service of notice on the appellant and made the matter returnable on 17.03.2026.

3. We have heard learned Senior Counsel appearing for the appellant and learned counsel appearing for the respondent.

4. The primary contention of learned Senior Counsel appearing for the appellant is that the Commercial Court erred in giving the impugned direction *ex parte* and without sufficient reasons for the same. Senior Counsel submits that the appellant was set *ex parte* as on the date of the impugned order.

5. Learned counsel appearing for the respondent (petitioner in the C.O.P) relies on the appellant's reply dated 21.09.2024 contending that it contains an admission of the appellant's obligation to pay Rs.6,69,52,278/-.

6. The respondent filed the C.O.P under section 9 of the 1996 Act seeking *ex parte* ad-interim measures specifically

praying for a direction on the respondent to secure the admitted amount. By the impugned order dated 10.02.2026, the Commercial Court directed the appellant to deposit Rs.6,69,52,278/- in Court within four weeks from the service of notice and made the matter returnable on 17.03.2026. The Court is informed that the appellant sought for at least four adjournments before the Commercial Court. The respondent (petitioner in the C.O.P) filed an application for non-compliance of the direction passed by the Trial Court. The Court is also informed that the matter is posted today for compliance.

7. Without going into the merits of the case, we note that the respondent sent five mails to the appellant on 30.08.2024, 03.09.2024, 09.09.2024, 12.09.2024 and 16.09.2024 regarding the outstanding amount of Rs.13,01,10,418/- payable by the appellant to the respondent. One of such mails dated 16.09.2024 has been placed for our perusal.

8. The Court is informed that the appellant failed to respond to any of the five mails and finally responded by way of a mail dated 21.09.2024. We have carefully perused this mail. The mail contains a tabulated statement of the particulars due from the appellant to the respondent and is headlined, 'Financial arrangement the total amount due to AOI is tabulated below'.

AOI stands for American Oncology Institute which is the respondent entity. The last row of the table specifies the 'Net Payable to AOI' as 'Rs.6,69,52,278/-.'

9. Although Senior Counsel seeks to rely on the paragraph immediately following the table to argue that the appellant disputed the said amount, we are unable to accept this contention. The table in the appellant's mail dated 21.09.2024 gives a clear and unequivocal indication of the appellant's admitted liability to the respondent, at least to the extent of Rs.6,69,52,278/-. Moreover, the paragraph immediately following the table reiterates the appellant's liability to the respondent to Rs.6.69 Crores, approximately. The alleged dispute now sought to be raised by the appellant is not evident from this paragraph.

10. We, accordingly, find no error in the impugned order regarding the appellant's admission of liability to the respondent to the extent of Rs.6,69,52,278/-.

11. *Himani Alloys Limited Vs. Tata Steel Limited*[1], in fact, supports the case of the respondent since the Supreme Court held that an admission should be categorical and should also be

[1] 2011 SCC OnLine SC 890

a conscious and deliberate act of the party making it, showing an intention to be bound by it. In the present case, the table contained in the appellant's email dated 21.09.2024 constitutes such an unequivocal admission, aligning with the principles of Order XII Rule 6 of The Code of Civil Procedure, 1908, regarding 'Judgment on Admissions'.

12. Hence, we do not find any scope for interference with the impugned order dated 10.02.2026. Needless to say, the appellant has liberty to contest the C.O.P. in accordance with law.

13. COMCA No.22 of 2026, along with all connected application, is accordingly dismissed. There shall be no order as to costs.

SD/- K.SRINIVASA RAO
JOINT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

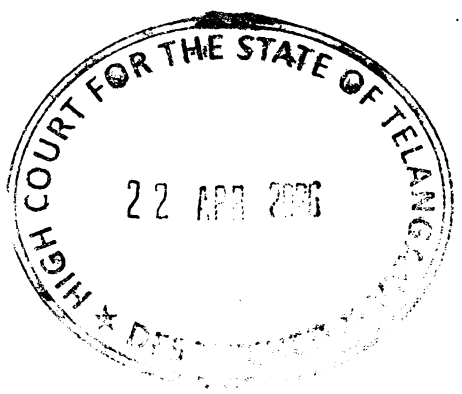
1. The Judge, Principal Special Court in the Cadre of District Judge for Trial and Disposal of Commercial Disputes at Hyderabad.
2. One CC to Mr. Sai Prasen Gundavaram, Advocate [OPUC]
3. One CC to Mr. D Narendar Naik, Advocate [OPUC]
4. Two CD Copies

DL/KA

PMK

HIGH COURT

DATED: 21/04/2026



JUDGMENT

COMCA.No.22 of 2026

DISMISSING THE COMCA

(6)
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22/4/26