



2026:DHC:3153



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 4505/2026, CM APPL. 21975/2026 & CM APPL. 21976/2026**

Date of Decision: **07.04.2026****IN THE MATTER OF:**

MANOJ RASTOGI

.....Petitioner

Through: Mr. Vineet Sinha Advocate.

versus

NEERAJ SRIVASTAVA

.....Respondent

Through: None.

CORAM:**HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV****JUDGEMENT****PURUSHAINDRA KUMAR KAURAV, J. (ORAL)**

1. The petition is for setting aside orders dated 26.06.2025 and 13.02.2026 passed in arbitration proceedings between the parties herein. *Vide* both the orders, applications filed by the petitioner seeking permission to lead secondary evidence and to file additional documents have been rejected.
2. As per the case set up by the petitioner, the parties herein are partners at M/s Agronext Ventures LLP and have fifty-percent share each. On account of a dispute having arisen in the said partnership, the respondent, on 10.10.2023, initiated arbitration proceedings seeking recovery of money and

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2026:DHC:3153



expulsion of the petitioner therefrom.

3. The respondent is stated to have filed certain F.I.R registered against the petitioner along with the statement of claim, and the petitioner has, in his statement of defence, refuted the same as irrelevant to the proceedings.

4. In the *interregnum*, a closure report dated 04.12.2023/05.12.2023 is stated to have been filed by the police before the concerned Trial Court. Further, the National Company Law Tribunal, New Delhi (NCLT) is stated to have passed order dated 25.07.2025 in proceedings initiated by a third party related to the respondent seeking recovery of money alleged to have been invested in M/s Agronext Ventures LLP. The petitioner had sought to place on record, the said closure report dated 04.12.2023/05.12.2023, and the order dated 25.07.2025. However, the same have been rejected *vide* the impugned orders holding that the said documents are irrelevant to the proceedings.

5. Learned counsel appearing for the petitioner has made various submissions to emphasise that for deciding the controversy between the parties, the documents in question are necessary to be brought on record.

6. However, considering the facts and circumstances involved, the Court finds that at this interlocutory stage, there is no justification to interfere with the orders passed by the sole arbitrator. The scope under Article 227 of the Constitution of India against an interlocutory order is minimal.

7. This Court in ***Groson Engineers v. M/s Rajiv Aggarwal &Anr.***,¹ dealt with a case where the petitioner sought to assail an order passed by the Ld. Arbitrator rejecting the petitioner's application to lead an additional witness. Rejecting the challenge made therein, this Court held:



“5. ...Even otherwise, the jurisdiction of this Court under Article 227 of the Constitution of India against an interlocutory order passed by the Arbitral Tribunal ought to be minimal. It is only orders which evince, on their face, palpable illegality or a nonapplication of mind, which are required to be interfered with. It must not be lost sight of, that arbitration is a private adjudicatory system, chosen by the parties themselves. Words, must not be minced, parties voluntarily chose the method of arbitration to opt out of the conventional court mechanism; the traditional litigation-mechanism ought not to be brought back, by entertaining, casually, writs against interlocutory orders passed by the Arbitral Tribunal.

6. Considering the facts and circumstances of the case, and the discussion above, the Court does not find any reason to interdict the said Order. The petitioner shall, however, be at liberty to agitate its grievance at the stage of Section 34 of the Arbitration and Conciliation Act, 1996, if such a stage at all arises.

7. With the aforesaid observations, the instant petition stands disposed of.”

8. The Supreme Court, in ***S.B.P. and Co v. Patel Engineering Ltd. and Anr.***,² has also held that, intermittent challenges to orders passed in arbitral proceedings are not envisaged except under Section 37 of the Arbitration and Conciliation Act, 1996 [A&C Act]. The relevant portion of the said decision is bextractred below, for reference:

“It is seen that some High Courts have proceeded on the basis that any order passed by an Arbitral Tribunal during arbitration, would be capable of being challenged under Article 226 or 227 of the Constitution. We see no warrant for such an approach. Section 37 makes certain orders of the Arbitral Tribunal appealable. Under Section 34, the aggrieved party has an avenue for ventilating its grievances against the award including any in-between orders that might have been passed by the Arbitral Tribunal acting under Section 16 of the Act. The party aggrieved by any order of the Arbitral Tribunal, unless has a right of appeal under Section 37 of the Act, has to wait until the award is passed by the Tribunal.”

9. In any case, the petitioner will have adequate opportunity to challenge the correctness of these orders, under Section 34 of the A&C Act, in case, the petitioner is aggrieved by the award to be pronounced by the Arbitrator.

¹W.P. (C) 17470/2025, Order dt. 27.01.2026.



2026:DHC:3153



10. In view thereof, finding no justification in the submissions made by the petitioner, the petition stands dismissed.

PURUSHAINDRA KUMAR KAURAV, J

APRIL 7, 2026/p

² (2005) 8 SCC 618

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