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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 6263/2026 and CM APPL. 30795/2026**

PARDEEP KUMAR AND ORS

.....Petitioners

Through: Appearance not given.

versus

J BHAWNA INFRASTRUCTURE

.....Respondent

Through: Mr Vivek Kohli Sr Adv, Mr Yashvardhan, Mr Pranav Das, Mr Gyanendra Shukla, Mr Shubhang Shukla, Ms Vasudha Chadha, Advocates for R-1.
Mr Anil Airi, Sr. Adv., Mr. Ashutosh Kumar Singh, Mr. Vishal Tyagi, Advocates for R-2.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

ORDER

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07.05.2026

CM APPL. 30796 and 30797/2026 (for exemption)

1. Exemptions allowed, subject to all just exceptions.
2. The applications stand disposed of.

W.P.(C) 6263/2026 and CM APPL. 30795/2026

1. The instant petition is for the following reliefs:-

“a) Issue a Writ of Certiorari, or any other appropriate writ, order and/or direction, thereby setting aside and quashing the final Arbitral Award dated 21.02.2023 passed by the Ld. Sole Arbitrator, Hon’ble Mr. Justice H.R. Malhotra (Retd.), in the arbitration proceedings conducted between Respondent No.1, J Bhawna Infrastructure, and Respondent



No.2, Swaran Jyoti EWS Co-operative Group Housing Society Ltd.;

b) Call for the complete records of the arbitration proceedings held before the Ld. Sole Arbitrator between Respondent No.1, J Bhawna Infrastructure, and Respondent No.2, Swaran Jyoti EWS Co-operative Group Housing Society Ltd., culminating in the passing of the final Arbitral Award dated 21.02.2023;

c) Stay the operation, implementation, effect and execution of the impugned Arbitral Award dated 21.02.2023 during the pendency of the present writ petition;

d) Stay further proceedings in OMP (ENF.) (COMM.) No. 66/2026, pending before this Hon'ble Court, during the pendency of the present petition; and/or

e) Pass such other and further order(s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case, in the interest of justice."

2. It is the case of the petitioners that nine (9) flats were allotted to the petitioners and behind his back, respondent nos. 1 and 2, in collusion with each other have agreed for their attachment. The petitioners, thus, submit that *firstly*- the award itself does not bind them and *secondly*- the entire proceedings including passing of the award is *non-est* in the eyes of law having been obtained fraudulently.

3. Learned counsel for the petitioners relies on the decision in the case of ***S.P. Chengalvarya Naidu vs. Jagannath***¹ to submit that the order, which is obtained under fraud, can be challenged at any stage including under ancillary proceedings.

4. The aforesaid submissions are strongly opposed by learned senior counsel, who appears on advance notice on behalf of respondent nos. 1 and 2.

¹ 1994 SCC (1) 1



5. The Court, however, finds that the proceedings under Article 227 of the Constitution of India may not be the appropriate jurisdiction to deal with those objections. The petitioner will have to take appropriate remedy before the appropriate Court/ Forum. If the petitioners feel that the award is obtained under fraud, they shall be at liberty to point out before the Executing Court.
6. Notwithstanding, the agreement between two respondents, the objection of the petitioners can be looked into independently. In any case, the petitioners cannot be left remediless.
7. At this stage, learned counsel for the petitioners seeks liberty to withdraw the instant petition with further liberty to take all his objections at an appropriate stage before the appropriate Court/ Authority/ Forum.
8. In view thereof, the instant petition stands dismissed as withdrawn along with the pending application.
9. All rights and contentions of the parties are left open.
10. Nothing stated hereinabove shall however amount to any expression on the merits of the case.

PURUSHAINDRA KUMAR KAURAV, J

MAY 7, 2026

Nc