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

\# **CNR No. DLHC010320742026**

\+ O.M.P.(I) (COMM.) 293/2026

RESILIENT INNOVATIONS PRIVATE LIMITED .....Petitioner

Through: Mr. Mohit Goel, Mr. Anuj Berry, Mr. Sidhant Goel, Mr. Deepankar Mishra, Ms. Aishna Jain, Mr. Shashwat Mukherjee, Ms. Purnima Mathur and Mr. Suradhish Vatts, Advocates.

versus

UNITY SMALL FINANCE BANK AND ORS .....Respondents

Through: Mr. Amol Sharma, Mr. Ateev Mathur, Mr. Sanjay Gupta and Ms. Tanya Bajla, Advocates for R-1 to R-3.
Ms. Amrita Narayan and Mr. Siddhant Singh, Advocates for applicant/intervenor/Kanara.

CORAM:
HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

O R D E R

% 18.11.2026

I.A. 31396/2026 (Under Sections 9(3) and 17 of the Arbitration and Conciliation Act, 1996)

1. This is an application filed on behalf of the petitioner under Sections 9(3) and 17 of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as the *'Act'*) read with Section 151 of the Code of Civil Procedure, 1908 seeking a direction that the present petition be deemed to be one under Section 17 of the Act and be remitted to the learned Arbitral Tribunal for further proceedings on the basis that the learned Arbitral Tribunal has already been constituted and is already proceeding with the arbitration.

2. Learned counsel for the petitioner states that *vide* order dated 24.07.2026

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an *ad-interim* injunction was passed by this Court which was appealed by the respondent no.1 *vide* FAO(OS)(COMM.) 221/2026. By judgement dated 05.11.2026, the learned Division Bench had dismissed the said appeal and affirmed the *ad-interim* order. It is stated that subsequent to the *ad-interim* order, the petitioner had invoked arbitration by the notice dated 11.08.2026 under Section 21 of the Act. It is further stated that in accordance with the procedure prescribed under Clause 17.4(a) of the Shareholders' Agreement, the petitioner nominated its nominee Arbitrator Justice Vineet Saran (Retd.) and respondents jointly nominated Justice Arjan Kumar Sikri (Retd.) as nominee Arbitrator, who then appointed Justice L. Nageswara Rao (Retd.) as the Presiding Arbitrator. He stated that the learned Arbitral Tribunal was constituted on 14.09.2026 and held its first case management hearing on 29.09.2026.

3. Consequent thereto, the present application has been filed by the petitioner.

4. Issue notice.

5. Notice is accepted by Mr. Amol Sharma, learned counsel for the respondents.

6. In terms of the statutory prescription under Section 9(3) of the Act, once the learned Arbitral Tribunal has been constituted, a Court is mandated not to entertain any application under sub-Section (1) unless exceptional circumstances exist.

7. Having regard to the fact that the learned Arbitral Tribunal has already been constituted and the *ad-interim* appealed against has been upheld by the learned Division Bench, there does not seem to be any exceptional circumstance requiring this Court to keep the present petition pending.

8. In that view of the matter, the present petition is directed to be treated as a petition under Section 17 of the Act and be placed before the learned Arbitral

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Tribunal for further proceedings and hearing.

9. The *ad-interim* order shall continue till the learned Arbitral Tribunal disposes of the petition under Section 17 of the Act.

10. Needless to note that the rights and contentions of all parties are kept reserved.

I.A. 29588/2026 (Seeking leave to intervene)

11. The present application is filed on behalf of applicant/Kanara Consumer Products Limited/Warrant Holder seeking leave to intervene in the present proceedings.

12. Ms. Amrita Narayan, learned counsel appears for the applicant/intervenor/M/s Kanara Consumer Products Limited, who claims to be the warrant holder and is a third party and sought intervention/impleadment by way of the present application.

13. Since the present intervenor has already preferred an application seeking impleadment before the learned Arbitral Tribunal, no orders are being passed reserving the rights of both the parties open to be considered by the learned Tribunal.

14. The application is disposed of.

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15. The petition is disposed of in the above terms.

16. The next date of hearing, i.e., 25.11.2026 stands cancelled.

TUSHAR RAO GEDELA, J

NOVEMBER 18, 2026/*anj*

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