

IN THE COURT OF 5th ADDITIONAL DISTRICT JUDGE, AHMEDABAD[R]

Commercial C.M.A. No.15 of 2025

Order Below Exh.1 & Exh.26

- (1) The present application has been preferred by the applicant under Section 9 of the Arbitration and Conciliation Act, 1996 (hereinafter referred to as the “Arbitration Act”) seeking interim measures. During the course of hearing, the respondent filed an application contending that a Sole Arbitrator has already been appointed by the Hon’ble High Court in IAAP No. 131 of 2025. It is further stated by the respondent vide Exh.28 that the statement of claim has already been filed before the Arbitral Tribunal. In view of the constitution of the Arbitral Tribunal and commencement of arbitral proceedings, the respondent has prayed that the present application be transferred to the learned Arbitrator in accordance with the provisions of Section 9(3) of the Arbitration Act.
- (2) The learned Advocate for the applicant has filed a reply to the said application vide Exh.29. The learned Advocate for the applicant has also relied upon the judgments mentioned in the list of authorities placed on record.
- (3) Before proceeding further, it is pertinent to note that both the parties

have already concluded their final arguments in the present application and the matter was kept pending for orders. Meanwhile, the learned Advocate appearing for the applicant submitted before this Court that the proceedings before the Arbitral Tribunal have already commenced and that the matter is presently pending at the stage of recording oral evidence of both the parties. In such circumstances, with a view to maintain the propriety and relevance of the issues involved, it is requested that the present application filed under Section 9 of the Arbitration and Conciliation Act, 1996 may be transferred to the learned Arbitrator for consideration of the reliefs prayed for in the main application. Accordingly, an oral request has been made that the matter be placed before the learned Arbitrator so as to enable the applicant to seek appropriate relief under Section 17 of the Arbitration Act before the Arbitral Tribunal. It is further requested that the interim stay granted during the course of hearing of the present application be directed to continue till such time the applicant approaches the Arbitral Tribunal and the application is taken up for hearing.

- (4) The learned Advocate appearing for the respondent has also appeared before this Court and has consented to the request made by the applicant both with regard to returning the present application to the learned Arbitrator as well as continuation of the interim stay and accordingly endorsed below application Exh.26.

(5) The court is well aware with the ratio laid down in judgments relied upon by the applicant and considered the same. In view of the fact that the Arbitral Tribunal has been constituted and is already functioning, learned counsel for the applicant seeks permission to approach the Tribunal under Section 17 of the Arbitration and Conciliation Act, 1996. Where the respondent has consented. Accordingly, I pass following order:

-: ORDER :-

- [1] The present Section 9 application is disposed of with liberty to the applicant to move the Arbitral Tribunal for appropriate interim relief.
- [2] The interim status quo granted earlier shall continue for a period of eight weeks to enable the applicant to seek relief before the Tribunal.

Signed & Pronounced in the open Court today on this 11th day of March, 2026.

Date : 11/03/2026.
Place: Ahmedabad

(Mr. Advait Surendra Vyas)
5th Additional District Judge,
(Unique ID Code: GJ00709)