

20.05.2026

Fresh appeal under section 37(2)(b) r/w section 17(1) (ii) (c) of The Arbitration and Conciliation Act 1996 received by way of e-filing. It be checked and registered.

Present:- Sh. M. Arshyan and Sh. Suhail Pasha, Advocates for appellant.

Learned counsels for the appellant are requested to satisfy the court upon maintainability of present appeal.

Arguments heard.

Learned Sh. Arshyan has submitted that the present appeal is filed against the order dated 18.04.2026 passed by the learned Sole Arbitrator thereby dismissing the application of the appellant/claimant for placing certified copies of additional documents on record. A copy of the impugned order and the application under section 151 CPC for placing certified copies of additional documents on record has been annexed along with the appeal.

Learned Sh. Arshyan has submitted that the order dated 18.04.2026 is an appealable order under section 37(2) (b) of The Arbitration and Conciliation Act, 1996 read with section 17 (1) (ii) (c) of The Act.

Arguments considered.

Section 37 (2) (b) of The Arbitration and Conciliation Act 1996 provides that an appeal shall lie to a court from the order of the Arbitral Tribunal, granting or refusing to grant an interim measure under section 17 of The Act.

Section 17 (1) (ii) (c) of The Act provides that an Arbitral Tribunal may order for an interim measure of protection in respect of the detention, preservation or inspection of any property or

thing which is the subject matter of the dispute in arbitration, or as to which any question may arise therein and authorizing for any of the aforesaid purposes any person to enter upon any land or building in possession of any party, or authorizing any samples to be taken, or any observation to be made, or experiment to be tried, which may be necessary or expedient for the purpose of obtaining full information or evidence.

Learned Sh. Arshyan has submitted that the application filed by the appellant before the learned Arbitrator was necessary for the purpose of obtaining full information and evidence and therefore was squarely covered under section 17 (1) (ii) (c) of The Act.

Court is in humble disagreement with submissions of learned Sh. Arshyan. The application filed by the appellant before the learned Arbitrator was not for any interim measure for protecting any information or evidence. It was simply an application for filing or placing on record the additional documents. That application was disallowed by the learned Arbitrator with the observation that evidence of respondent is pending and the claimant can confront the respondent with the documents sought to be filed by way of that application.

The impugned order dated 18.04.2026 of the learned Arbitrator is not covered under section 17 (1) (ii) (c) of The Act. Same is not an appealable order covered under section 37 of The Act. Hence, the appeal against the said order is not maintainable under Chapter IX section 37 of The Arbitration and Conciliation Act, 1996.

Appeal is accordingly dismissed.

File be consigned to record room.

(Ajay Pandey)

District Judge (Commercial Court-10)
Central, Tis Hazari, 20.05.2026