

GAHC010054192026



**THE GAUHATI HIGH COURT**  
**(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)**

**Case No. : Arb.A./5/2026**

LOKESH ANAND SINGHAL AND ANR  
SON OF SRI ASHOK ANAND SINGHAL AND SMT. SHILPI ANAND  
SINGHAL, RESIDENT OF ANAND LOK, HOUSE NO. 1A, MONALISA PATH,  
GEETANAGAR, ZOO ROAD, GUWAHATI, DISTRICT KAMRUP (M), ASSAM,  
PIN- 781024.

2: SMT SHILPI ANAND SINGHAL  
WIFE OF SRI ASHOK ANAND SINGHAL  
RESIDENT OF 1A  
MONALISA PATH  
GEETANAGAR  
P.S.- GEETANAGAR  
ZOO ROAD  
GUWAHATI  
ASSAM  
PIN-78102

VERSUS

PRIDE REALTY AND 8 ORS.  
A PARTNERSHIP FIRM REGISTERED UNDER THE PROVISIONS OF THE  
INDIAN PARTNERSHIP ACT, 1932 HAVING ITS REGISTERED OFFICE  
SITUATED AT 604, PROTECH CENTRE, 6TH FLOOR, GANESHGURI, G.S.  
ROAD, GUWAHATI, IN THE DISTRICT OF KAMRUP (M), ASSAM, PIN-  
781006, REPRESENTED BY ITS PARTNER SRI MANOJ KUMAR JALAN, S/O  
LATE MAHABIR PRASAD JALAN, R/O GEETA MANSION, CHRISTIAN  
BASTI, G.S. ROAD, GUWAHATI, ASSAM, PIN-781005

2: MANOJ KUMAR JALAN  
SON OF LATE MAHABIR PRASAD JALAN  
RESIDENT OF GEETA MANSION  
M.G. PATH  
CHRISTIAN BASTI  
G.S. ROAD

GUWAHATI  
ASSAM  
PIN- 781005

3:SMT LALITA DEVI JALAN  
WIFE OF SRI MANOJ KUMAR JALAN  
RESIDENT OF GEETA MANSION  
M.G. PATH  
CHRISTIAN BASTI  
G.S. ROAD  
GUWAHATI  
ASSAM  
PIN- 781005

4:VIVEK ANAND SINGHAL  
SON OF SRI ASHOK ANAND SINGHAL  
RESIDENT OF 1A  
MONALISA PATH  
GEETANAGAR  
P.S.- GEETANAGAR  
ZOO ROAD  
GUWAHATI  
ASSAM  
PIN- 781024

5:M/S PROTECH BUILDCON PVT. LTD  
A PRIVATE LIMITED COMPANY REGISTERED UNDER THE PROVISIONS OF  
THE COMPANIES ACT  
1956 AND/OR 2013  
HAVING ITS REGISTERED OFFICE SITUATED AT 606  
PROTECH CENTRE  
6TH FLOOR  
GANESHGURI  
G.S. ROAD  
GUWAHATI  
IN THE DISTRICT OF KAMRUP (M)  
ASSAM  
PIN- 781006 BEING REPRESENTED BY ITS DIRECTOR  
SRI MANOJ KUMAR JALAN  
S/O LATE MAHABIR PRASAD JALAN  
R/O GEETA MANSION  
CHRISTIAN BASTI  
G.S. ROAD  
GUWAHATI  
ASSAM  
PIN-781005

6:M/S PROTECH REALTORS PVT LTD

A PRIVATE LIMITED COMPANY REGISTERED UNDER THE PROVISIONS OF  
THE COMPANIES ACT  
1956 AND/OR 2013  
HAVING ITS REGISTERED OFFICE SITUATED AT 606  
PROTECH CENTRE  
6TH FLOOR  
GANESHGURI  
G.S. ROAD  
GUWAHATI  
IN THE DISTRICT OF KAMRUP (M)  
ASSAM  
PIN- 781006 BEING REPRESENTED BY ITS DIRECTOR  
SRI MANOJ KUMAR JALAN  
S/O LATE MAHABIR PRASAD JALAN  
R/O GEETA MANSION  
CHRISTIAN BASTI  
G.S. ROAD  
GUWAHATI  
ASSAM  
PIN-781005

7:INDUSIND BANK  
REPRESENTED BY ITS BRANCH MANAGER  
GANESHGURI BRANCH  
GROUND FLOOR  
PROTECH CENTRE  
GANESHGURI  
GUWAHATI  
ASSAM  
PIN-781006  
HAVING ITS GUWAHATI REGIONAL OFFICE AT SECOND FLOOR  
HOLDING NO. 4  
G.S. ROAD, BHANGAGARH  
VILL- ULUBARI  
GUWAHATI, ASSAM  
PIN-781005 AND ITS REGISTERED OFFICE AT 2401  
THIMMAYYA RD. (CANTONMENT)  
PUNE  
MAHARASHTRA  
PIN-411001

8:REGIONAL HEAD  
INDUSIND BANK  
GUWAHATI REGIONAL OFFICE  
AT SECOND FLOOR  
HOLDING NO. 4  
G.S. ROAD  
BHANGAGARH

VILL- ULUBARI  
GUWAHATI  
781005, ASSAM

9:ASSOCIATED INDIA PVT. LTD.  
A PRIVATE LIMITED COMPANY REGISTERED UNDER THE PROVISIONS OF  
THE COMPANIES ACT  
1956 AND/OR 2013  
HAVING ITS REGISTERED OFFICE SITUATED AT 702  
PROTECH CENTRE  
7TH FLOOR  
GANESHGURI  
G.S. ROAD  
GUWAHATI  
IN THE DISTRICT OF KAMRUP (M)  
ASSAM  
PIN-781006 BEING REPRESENTED BY ITS DIRECTOR SMTI. INDUMATI  
SINGHAL  
R/O ANAND LOK  
HOUSE NO. 1A  
MONALISA PATH  
GEETANAGAR  
ZOO ROAD, GUWAHATI  
IN THE DISTRICT OF KAMRUP (M)  
ASSAM  
PIN-78102

**Advocate for the Petitioner** : MR. N ALAM, S A BAKHTIAR,MR K JAIN

**Advocate for the Respondent** : MR. B D DEKA (FOR CAVEATOR), MR. M DAS (FOR  
CAVEATOR)

**BEFORE**  
**HONOURABLE MR. JUSTICE MRIDUL KUMAR KALITA**

**ORDER**

**Date : 24.03.2026**

- 1.** Heard Mr. N. Alam, learned counsel for the appellants. Also heard Mr. B. D. Deka, learned counsel for the respondent Nos. 1 and 2/Caveator.
- 2.** This appeal under Section 37(1)(b) of the Arbitration and Conciliation Act, 1996 has been preferred by the appellants impugning the judgment and order dated 17.02.2026, passed in Misc. Arbitration Case No. 205/2024, by the

Court of learned Civil Judge (Senior Division) No. 1, Kamrup (M), by which the application filed by the present respondent Nos. 1 to 6 under Section 9 of the Arbitration and Conciliation Act, 1996 was allowed.

**3.** The learned counsel for the respondent Nos. 1 and 2/Caveator has raised the question of maintainability of the present appeal. He submits that as per Section 37 of the Arbitration and Conciliation Act, an appeal under said provision would lie before the court which is authorized by law to hear appeals from original decree of the court passing the orders mentioned in Section 37 of the Arbitration and Conciliation Act. He submits that in view of the provisions contained in Section 13 of the Commercial Courts Act, 2015 as well as in view of the decision of the Division Bench of this court in the case of “***M/s NES Digboi Bogapani Vs. Bharat Petroleum Corporation Limited***” [Commercial Appellate Division Case No. 1/2025, Judgment dated 23.04.2025], the appeal from a Commercial Court i.e., the Court of learned Civil Judge (Senior Division) would lie before District Judge and the Commercial Appellate Division of this Court would entertain an appeal only from Commercial Division of this Court.

**4.** Mr. N. Alam, learned counsel for the appellants, after hearing the submissions made by the learned counsel for the respondent Nos. 1 and 2/Caveator seeks two days’ time to give reply to the same.

**5.** List this matter again on 27<sup>th</sup> of March, 2026 for hearing on the question of maintainability of the instant appeal.

**JUDGE**

**Comparing Assistant**