

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/FIRST APPEAL NO. 962 of 2026****With****CIVIL APPLICATION (FOR STAY) NO. 1 of 2026****In R/FIRST APPEAL NO. 962 of 2026**

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M/S. OYO HOTELS AND HOMES PRIVATE LIMITED**Versus****M/S. MERIDIAN HOTELS PRIVATE LIMITED**

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Appearance:**THAKKAR AND PAHWA ADVOCATES(1357) for the Appellant(s) No. 1****PARAS K SUKHWANI(8284) for the Defendant(s) No. 1**

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CORAM: HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE
SUNITA AGARWAL**and****HONOURABLE MR. JUSTICE D.N. RAY****Date : 16/03/2026****ORAL ORDER****(PER : HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE SUNITA AGARWAL)**

1. This appeal under Section 37 of the Arbitration and Conciliation Act, 1996 has been filed, challenging the judgment and order dated 09.02.2026 passed by the Judge, Commercial Court at City Civil Court, Ahmedabad in Commercial Civil Miscellaneous Application No. 5 of 2023 under Section 34 of the Act, 1996. The primary ground of challenge to the order under Section 34 was that, while deciding issue no.1 pertaining to jurisdiction of the Commercial Court, the Commercial Court had reached at the conclusion that it had no territorial jurisdiction in view of Section 10 (3) of the Commercial Courts Act, 2015, however,

in spite of the same, the Commercial Court had entered into the merits of the application under Section 34 and dismissed the same both on the grounds of lack of territorial jurisdiction as well as on merits.

2. Mr.Saurabh Soparkar, learned Senior advocate assisted by Mr.Ravi Pahwa, learned counsel for the appellant would submit that there was no justification for the Commercial Court to enter into the merits of the application under Section 34 when it reached at the conclusion that it lacked territorial jurisdiction to try the same. The issue is of inherent lack of jurisdiction of the Court determining the merits of the application under Section 34 of the Act 1996.

3. Mr.Paras K.Sukhwani with Mr.Chirag K.Sukhwani, learned advocates have put an appearance on behalf of respondent on caveat. They are required to file a reply to the to the main appeal.

4. As prayed for, the matter is adjourned to 23rd March, 2026.

(SUNITA AGARWAL, CJ)

(D.N.RAY,J)

MOHMMEDSHAHID