

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/FIRST APPEAL NO. 2199 of 2026**

With
CIVIL APPLICATION (FOR STAY) NO. 1 of 2026
In R/FIRST APPEAL NO. 2199 of 2026

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URC CONSTRUCTION PVT. LTD.

Versus

M/S NATIONAL DAIRY DEVELOPMENT BOARD

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Appearance:

MR. DHAVAL VYAS, SR.ADVOCATE WITH ARPIT R SINGHVI(9524) for the
Appellant(s) No. 1

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CORAM: **HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE**
SUNITA AGARWAL
and
HONOURABLE MR.JUSTICE D.N.RAY

Date : 15/06/2026

ORAL ORDER
(PER : HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE SUNITA
AGARWAL)

At the outset, it is submitted by Mr. Dhaval Vyas, learned Senior Counsel assisted by Mr.Arpit R. Singhvi, learned advocate appearing for the appellant that a mistake has crept-in while presenting the present appeal, inasmuch as the appeal under Section 37 of the Arbitration & Conciliation Act, 1996 (for short **“the Act, 1996”**) directed against an order passed by the learned Arbitrator under Section 16 of the Act, 1996 would lie to the Principal Civil Court of original jurisdiction as defined in Section 2(1)(e) of the Act, 1996. The submission is that the appellant be permitted to withdraw this

appeal for its proper presentation to the competent Civil Court.

In view of the said submission, the present appeal is permitted to be withdrawn and is dismissed accordingly with the liberty to move to appropriate Civil Court by moving a proper application. Consequently, the Civil Application stands disposed of.

It is submitted that, by mistake, the excess Court fee has been deposited in the Registry, beyond the normal/usual Court fee to be paid in case of an appeal filed under Section 37 of the Act, 1996. The prayer is to refund the excess Court fee paid by the appellant.

For this prayer, learned Counsel for the appellant is required to approach the Registrar (Judicial) by moving a proper application, who shall make the necessary inquiry and refund the excess Court fee paid, if any.

(SUNITA AGARWAL, CJ)

BINA SHAH

(D.N.RAY,J)