

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 7763 of 2026****With****R/SPECIAL CIVIL APPLICATION NO. 7765 of 2026****With****R/SPECIAL CIVIL APPLICATION NO. 7766 of 2026**

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VAPI MUNICIPAL CORPORATION (ERSTWHILE VAPI NAGARPALIKA)

Versus

SHASHIJIT INFRA PROJECTS LIMITED & ANR.

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Appearance:

MR GH VIRK GOVERNMENT PLEADER WITH MR JAGRAT SHAH WITH

MR CHINMAY M GANDHI(3979) for the Petitioner(s) No. 1

MS NIKITA C GANDHI(11570) for the Petitioner(s) No. 1

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CORAM: **HONOURABLE MR.JUSTICE L. S. PIRZADA****Date : 02/06/2026****COMMON ORAL ORDER**

1. Heard learned Government Pleader Mr. GH Virk with learned advocate Mr. Jagrat Shah with learned advocate Mr. Chinmay M Gandhi for the petitioner.

2. The present petitions have been preferred by the petitioner praying for the following reliefs:

"A) To Admit and allow this Special Civil Application;

B) To issue a writ of mandamus and/or certiorari or any other appropriate writ, order or direction in the nature of mandamus and/or certiorari and be pleased to quash and set-aside the impugned order dated 16.05.2026 (Annexure-F) passed by respondent No.2 holding the same as illegal, in violation of principle of natural justice as well as in violation of the settled legal proposition and is nothing but a judicial impropriety and indiscipline.

C) To issue a writ of prohibition and/or certiorari or any other

appropriate writ, order or direction in the nature of prohibition by halting the proceedings before the learned Sole Arbitrator in order to prevent lower bodies from overstepping their jurisdiction or contradicting superior court actions.

D) Pending admission, hearing and/or final disposal of this petition, Your Lordships may be pleased to stay the impugned order dated 16.05.2026 (Annexure-F) passed by respondent No.2, in the interest of justice;

E) Pending admission, hearing and/or final disposal of this petition, Your Lordships may be pleased to stay the further proceedings of the Arbitration Proceedings initiated by respondents herein in connection with the Lease Agreement dated 30.01.2020 in connection with Lakhamdev Lake/Dungra Lake/Chala Lake, in the interest of justice;

F) Such other and further relief as Your Lordships may deem just, fit and expedient be granted in favour of the petitioner."

3. Learned Government Pleader, Mr. Virk for the petitioner has submitted that in the dispute between the present petitioner and the respondents, the respondent has appointed the arbitrator unilaterally without the consent of the present petitioner and the arbitrator had issued a communication dated 16.05.2026 and conveyed to the petitioner that the next date of hearing has been fixed on 02.06.2026 at the Arbitration Centre, Gujarat High Court Campus, Ahmedabad and it is also stated in the communication that last chance has been granted to the petitioner to file his written statement failing which, the right of filing written statement of the claim petition will be closed. It is submitted that the petitioner has already preferred Special Civil Application no. 157 of 2026 and the said petition is pending before this Court and the next date of hearing is fixed on 18.06.2026. It is further submitted that Civil Application no. 1 of

2026 in Special Civil Application no. 130 of 2026 has been preferred by the respondent no. 1 seeking directions to proceed with the arbitration proceedings but that was not considered by this Court subsequently. It is submitted that on 16.05.2026, the communication was received from the respondent which was served to respondent on 16.05.2026 stating that they will request the arbitrator to fix an early date for the adjudication of the dispute and on the very same day, the learned Arbitrator has issued notice for convening a meeting on 02.06.2026. He has submitted that this arbitration proceeding itself is non-est.

4. Learned advocate for the petitioner has relied upon the decision of this Court in Petition under Arbitration Act No. 198 of 2024 with other allied matters and submitted that after the decision of this Court, all the existing and new matters would go to the Public Works Tribunal. He has further requested that today, if no order is passed by this Court, the arbitration proceeding would be proceeded ex-parte and the right of the written statement, if any, is to be closed and it will prejudice the petitioner.

5. Considering the above submissions made by the learned advocate for the petitioner and the averments made in the petition, the present petition requires consideration. As Special Civil Application no. 157 of 2026 is pending before this Court and the Civil Application no. 1 of 2026 in Special Civil Application no. 130 of 2026 moved by the respondent no. 1 is also pending and the next date of hearing is fixed on 18.06.2026, the respondent no. 2 may not proceed with the arbitration proceedings and not pass any order till the next date of hearing.

6. Issue **NOTICE**, returnable on 18.06.2026.

7. This present order is to be communicated to the respondent no. 2 - learned Arbitrator forthwith.

Direct service is permitted.

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(L. S. PIRZADA, J)