
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
INTERIM APPLICATION NO. 625 OF 2021
IN
COMMERCIAL SUIT NO. 21 OF 2021

Kuresh R. Kushesh @ Dhiren

...Applicant/
Petitioner

Versus

Shashi Sumeet Production Pvt. Ltd. And 4 Ors.

...Respondents

Ms. Manorama Mohanty, Mr. Hitanshu jain i/b S.K. Srivastav & Co., for the Plaintiff.

Mr. Piyush Raheja, Mr. Akash Loya with Ms. Jyoti Ghag & Mr. Shailesh Prajapati i/b Dua Associates for the Defendant in IA No. 625 of 2021 & for the Plaintiff in Suit No. 621 of 2017.

CORAM : SOMASEKHAR SUNDARESAN, J.

DATE : APRIL 27 , 2026

ORDER :

1. Notice of Motion No. 665 of 2019 is an application under Section 8 of the Arbitration and Conciliation Act, 1996, taken out in Commercial Suit No. 621 of 2017. The application is taken up by Kuresh R Kusesh, who is himself the Plaintiff in Commercial Suit No.21 of 2021. Interim Application No. 625 of 2021 taken out in the Commercial Suit No. 21 of 2021 came up for consideration last week and it was put to the parties to consider proceeding to arbitration forthwith.

2. However, the parties have a disagreement as to the continued pendency of complaints traded between the parties pursuant to which criminal proceedings have been initiated. In these circumstances, without relying on any concession by the parties for sending the matter to arbitration, it would only be appropriate to consider the Section 8 application in the suit filed by Shashi Sumeet Production Pvt. Ltd. which is filed prior in time. If the Section 8 application in that suit is allowed, it would be a matter of law for the parties to proceed to arbitration. Should that application fail, the cross suits and the appropriate interlocutory arrangements in them can be considered after a decision on the Section 8 Application.

3. Both parties have committed to restrict their core submissions bearing in mind the limited scope of Section 8 of the Act to about 10 to 15 minutes each. The Section 8 application is posted for ***“final hearing”*** on ***May 5, 2026***.

4. All actions required to be taken pursuant to this order shall be taken upon receipt of a downloaded copy as available on this Court’s website.

[SOMASEKHAR SUNDARESAN, J.]