

**THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**INTERIM APPLICATION NO. 4585 OF 2025
IN
EXECUTION APPLICATION NO. 1939 OF 2025**

Pushkaraj Ispat India LLP ...Applicant
V/s.
Hella Infra Market Metal Pvt. Ltd. ...Respondent

Mr. Vishal Kanade with Mr. Chaitanya Nikte, Mr. Nilesh Tribhuvan, Mr. Burzin Bharucha and Ms. Ruchi Pawar i/b White & Brief Advocates & Solicitors for the Applicant.

Mr. Anirban Sen i/b Indus Law for the Respondent.

CORAM : **ABHAY AHUJA, J.**
DATE : **16th FEBRUARY, 2026**

PC. :

1. When the matter is called out, Mr. Kanade, learned Counsel appearing for the Applicant submits that although against the order under execution an appeal under Section 37 of the Arbitration and Conciliation Act, 1996 (the "Arbitration Act") has been filed and the orders therein are reserved, however, since the matter pertains to electricity dues, this Court may direct the Respondents to make disclosures.

2. Mr. Sen, learned Counsel appears for the Respondents and submits that as the matter under Section 37 of the Arbitration Act is reserved for orders, this Court may adjourn the matter until the

decision of the Court in the matter filed under Section 37 the Arbitration Act.

3. Mr. Kanade has tendered across the bar order dated 5th July, 2022 of this Court (Coram: B. P. Colabawalla, J.) in Interim Application No. 3399 of 2021 in Execution Application (L) No. 29269 of 2021, submitting that even while the decision under Section 37 of the Arbitration Act is pending, unless there is a stay, this Court can direct disclosures against the Respondents and draws this Court's attention to paragraphs 3 and 4 of the said order, submitting that in the event Appeal under Section 37 of the Arbitration Act is dismissed, this Court can then proceed further in the matter saving time.

4. Mr. Sen seeks to distinguish the said order submitting that the order dated 5th July, 2022 was passed under Section 34 of the Arbitration Act against the final order, but these proceedings are against a Section 17 order before the Court taking up the matters under Section 37 of the Arbitration Act.

5. In my view, the endeavour to distinguish the decision is rather weak and will not deter this Court from directing disclosures especially considering the fact that there is no stay on the execution of the award.

6. Accordingly, having heard the learned Counsel, this Court directs that the Respondent to make disclosures in terms of prayer Clause (a), which reads thus:-

“(a) Pending the hearing and final disposal of the Execution Application, this Hon’ble Court be pleased to examine the Respondent under Order XXI Rule 41 of the Code of Civil Procedure Code, 1908 and this Hon’ble Court order and direct the Respondent to disclose on oath following:

(i) all other movable and immovable assets and properties which stand in the name of the Respondent/Award Debtor above named.

(ii) particulars fo all bank accounts and statements, income tax returns of Respondent/Award debtor from the date of Order passed by the Ld. Sole Arbitrator i.e. 30 April, 2025.

(iii) all monies received or receivable by the Respondent/Award Debtor.”

7. Let the disclosures be made on oath within a period of four weeks with copy to the others.

8. List on **1st April, 2026.**

(ABHAY AHUJA, J.)

Digitally
signed by
NIKITA
YOGESH
GADGIL
Date:
2026.02.16
18:43:32
+0530