

**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

D.B. Civil Misc. Appeal No. 161/2026

Raman Daga S/o Mangilal Daga, Aged About 56 Years, Resident
Of 195, Iind Polo, Paota Jodhpur - 342001, Rajasthan

----Appellant

Versus

Suresh Rathi Commodities Pvt. Ltd., A Company Incorporated
Under The Provisions Of The Companies Act, 1956, Having Its
Registered Office At 11/12, Mithila Chs Opp. Jankalyan Bank, J.b.
Nagar, Andheri East, Mumbai - 400059 And Having Their Office
At Mahesh Hostel Complex, Opp. Bombay Motors, Chopasni
Road, Jodhpur - 342003

----Respondent

Connected With

D.B. Civil Misc. Appeal No. 164/2026

Mayank Daga S/o Shri Raman Daga, Aged About 30 Years,
Rsident Of 195, 11 Polo Paota Jodhpur 342001 Rajasthan

----Appellant

Versus

1. Suresh Rathi Commodities Pvt. Ltd., Registered Office At
11/12 Mithila Chs Opp Jankalyan Bank Jb Nagar Andheri
East Mumbai Office At Mahesh Hostel Complex Opp
Bombay Motors Chopasni Road Jodhpur
2. Dr Dilip K Virani, The Ld. Member Of Artitral Tribunal
Having Address Com Ncdex Ackruti Corporate Park Ist
Floor Lbs Marg Kanjuramarg West Mumbai
3. Mr Ashok Kumar Balkiwal, The Ld. Member Of Arbitral
Tribunal Having Address C/o Ncdex, Ackruti Corporate
Park, 1St Floor, L.b.s. Marg, Kanjurmarg West, Mumbai -
400078, India
4. Mr. S. Srinivasan, The Ld. Member Of Arbitral Tribunal
Having Address C/o Ncdex, Ackruti Corporate Park, 1St
Floor, L.b.s. Marg, Kanjurmarg West, Mumbai - 400078,
India
5. Shri S. D. Dharmadhikari, Retd. Judge, The Ld. Member
Of Arbitral Tribunal Having Address C/o Ncdex, Ackruti
Corporate Park, 1St Floor, L.b.s. Marg, Kanjurmarg West,
Mumbai - 400078, India
6. Mr Sirendra Ranade, Retd. Judge, The Ld. Member Of
Arbitral Tribunal Having Address C/o Ncdex, Ackruti
Corporate Park, 1St Floor, L.b.s. Marg, Kanjurmarg West,
Mumbai - 400078, India
7. Mr Vyapak Desai, The Ld. Member Of Arbitral Tribunal
Having Address C/o Ncdex, Ackruti Corporate Park, 1St
Floor, L.b.s. Marg, Kanjurmarg West, Mumbai - 400078,
India

----Respondents



D.B. Civil Misc. Appeal No. 166/2026

Mudit Daga S/o Shri Ambalal Daga, Aged About 28 Years,
Resident Of H. No. 23/2, Dharam Narayan Ji Ka Hatha, Jodhpur
Kacheri, Jodhpur - 342006 Rajasthan

-----Appellant

Versus

1. Suresh Rathi Commodities Pvt. Ltd., A Company Incorporated Under The Provisions Of Companies Act 1956 Having Its Registered Office At 11/12, Mithila Chs Opp. Jankalyan Bank, J.b. Nagar, Andheri East, Mumbai - 400059 And Having Their Office At Mahesh Hostel Complex, Opp. Bombay Motors, Chopasni Road, Jodhpur - 342003
2. Mr Anil Narendra Shah, The Ld. Member Of Arbitral Tribunal Having Address C/o Ncdex, Ackruti Corporate Park, 1St Floor, L.b.s. Marg, Kanjurmarg West, Mumbai - 400078, India
3. Dr Rakesh Kumar Kakkar, The Ld. Member Of Arbitral Tribunal Having Address C/o Ncdex, Ackruti Corporate Park, 1St Floor, L.b.s. Marg, Kanjurmarg West, Mumbai - 400078, India
4. Mr Paresh Joshi, The Ld. Member Of Arbitral Tribunal Having Address C/o Ncdex, Ackruti Corporate Park, 1St Floor, L.b.s. Marg, Kanjurmarg West, Mumbai - 400078, India
5. Shri S. D. Dharmadhikari, (Retd. Judge), The Ld. Member Of Arbitral Tribunal Having Address C/o Ncdex, Ackruti Corporate Park, 1St Floor, L.b.s. Marg, Kanjurmarg West, Mumbai - 400078, India
6. Mr Sirendra Ranade, (Retd. Judge), The Ld. Member Of Arbitral Tribunal Having Address C/o Ncdex, Ackruti Corporate Park, 1St Floor, L.b.s. Marg, Kanjurmarg West, Mumbai - 400078, India
7. Mr Vyapak Desai, The Ld. Member Of Arbitral Tribunal Having Address C/o Ncdex, Ackruti Corporate Park, 1St Floor, L.b.s. Marg, Kanjurmarg West, Mumbai - 400078, India

-----Respondents

D.B. Civil Misc. Appeal No. 183/2026

Deepak Daga S/o Shri Ambalal Daga, Aged About 32 Years,
Resident Of H. No. 23/2, Dharam Narayan Ji Ka Hatha, Jodhpur,
Kacheri, Jodhpur - 342006, Rajasthan

-----Appellant

Versus

1. Suresh Rathi Commodities Pvt. Ltd., Registered Office At 11/12, Mithila Chs Opp. Jankalyan Bank, J.b. Nagar, Andheri East, Mumbai - 400059 And Having Their Office At Mahesh Hostel Complex, Opp. Bombay Motors,

Chopasni Road, Jodhpur - 342003

2. Mr. Anil Narendra Shah, The Presiding Arbitrator In Arbitration Ref No. Ncdex/arb/014/20-21 Having Address C/o Ncdex, Ackruti Corporate Park, 1St Floor, L.b.s. Marg, Kanjurmarg West, Mumbai - 400078, India
3. Mr. P.b. Nimbalkar, Co-Arbitrator In Arbitration Ref No. Ncdex/arb/014/20-21 Having Address C/o Ncdex, Ackruti Corporate Park, 1St Floor, L.b.s. Marg, Kanjurmarg West, Mumbai - 400078, India
4. Mr. Paresh Joshi, Co-Arbitrator In Arbitration Ref No. Ncdex/arb/014/20-21 Having Address C/o Ncdex, Ackruti Corporate Park, 1St Floor, L.b.s. Marg, Kanjurmarg West, Mumbai - 400078, India
5. Justice A.s. Agiokar, Retd., Co-Arbitrator In Arbitration Appeal Ref No. Ncdex/arb/013/21-22 Having Address C/o Ncdex, Ackruti Corporate Park, 1St Floor, L.b.s. Marg, Kanjurmarg West, Mumbai - 400078, India
6. Shri S.d. Dharmadhikari, Retd. Judge, Co-Arbitrator In Arbitration Appeal Ref No. Ncdex/arb/013/21-22 Having Address C/o Ncdex, Ackruti Corporate Park, 1St Floor, L.b.s. Marg, Kanjurmarg West, Mumbai - 400078, India
7. Mr. Vyapak Desai, Co-Arbitrator In Arbitration Appeal Ref No. Ncdex/arb/013/21-22 Address C/o Ncdex, Ackruti Corporate Park, 1St Floor, L.b.s. Marg, Kanjurmarg West, Mumbai - 400078, India

----Respondents

For Appellant(s)	:	Mr. Sachin Acharya, Sr. Adv. Asst by Mr. Sachin Saraswat
For Respondent(s)	:	Mr. Manish Shishodia, Sr. Adv. Asst by Mr. Akshay Parakh Mr. Harshvardhan Rathore Mr. Deepesh Birla

HON'BLE MR. JUSTICE ARUN MONGA
HON'BLE MR. JUSTICE YOGENDRA KUMAR PUROHIT
Order

23/02/2026

D.B. Civil Misc. Appeal No. 161/2026:-

It is borne out that there is an alternative remedy available under Clause 11:22¹ to approach the Appellate Arbitral Tribunal but since three other matters, wherein controversy involved is the same and they arise out of the same facts and issues involved are

also similar, on the consent of the parties, the instant appeal is also directed to be heard along with D.B. Civil Misc. Appeal No. 164/2026, 166/2026 and 183/2026 instead of being relegated to seek alternative remedy.

Issue notice. Notice regarding stay also. Mr. Akshay Parakh, learned counsel appears on caveat and accepts notice on behalf of the respondent. Caveat stands discharged. Service is dispensed with.

Meanwhile, execution proceedings to continue, but no auction of the property of the appellant of which the list has been provided to the Executing Court shall be carried out till the next date.

It is also made clear that the assets as delineated in the list provided by the appellant before the executing court shall not be alienated any further in any manner by the appellant though the possession of the same shall continue with the appellant till next date.

D.B. Civil Misc. Appeal No. 164/2026, D.B. Civil Misc. Appeal No. 166/2026, D.B. Civil Misc. Appeal No. 183/2026:-

Issue notice. Notice regarding stay also. Mr. Akshay Parakh, learned counsel appears on caveat and accepts notice on behalf of respondent No.1. Caveat stands discharged. Issue notice to remaining respondents.

Meanwhile, execution proceedings to continue, but no auction of the property of the appellant of which the list has been provided to the Executing Court shall be carried out till the next date.

It is also made clear that the assets as per delineated in the list provided by the appellant before the executing court shall not be alienated any further in any manner by the appellant though the possession of the same shall continue with the appellant till next date.

Post all these matters for arguments on 23.03.2026.

(YOGENDRA KUMAR PUROHIT),J

(ARUN MONGA),J

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