

ITEM NO.17

COURT NO.6

SECTION IX

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 9674/2026

[Arising out of impugned final judgment and order dated 04-03-2026 in CAP(L) No. 5605/2026 passed by the High Court of Judicature at Bombay]

INDIA COKE AND POWER PRIVATE LIMITED

Petitioner(s)

VERSUS

JINDAL STEEL LIMITED

Respondent(s)

(IA No. 77938/2026 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 16-03-2026 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA
HON'BLE MR. JUSTICE ALOK ARADHE

For Petitioner(s) : Mr. Ranjit Kumar, Sr. Adv.
Mr. Jayant Mehta, Sr. Adv.
Mr. Shashwat Singh Sawno, Adv.
Ms. Aanchal Gupta, Adv.
Mr. Rahul Kumar Kanoujia, Adv.
Mr. Himanshu Dubey, Adv.
Mr. Prem Prakash, AOR

For Respondent(s) : Mr. Darius Khambata, Sr. Adv.
Mr. Abhimanyu Bhandari, Adv.
Mr. Ketan Gaur, Adv.
Mr. Naman Joshi, Adv.
Mr. Neil Chatterjee, Adv.
Ms. Nidhisha Garg, Adv.
Mr. Jasmeet Singh, AOR

UPON hearing the counsel the Court made the following
O R D E R

1. Mr. Ranjit Kumar, learned senior counsel appearing for the petitioner, has objection about the concluding portion of the order impugned before us, the relevant portion is reproduced herein for ready reference:-

"35. In light of the above discussion, as the impugned order was passed under Section 16 of the Arbitration Act, it is not open for the Petitioner to challenge the order to the extent of upholding the jurisdiction of the Learned Arbitrator under Section 34 of the Arbitration Act, and the ruling on jurisdiction is required to be challenged along with the final Award. As the binding nature of the Business Confirmation dated 31st January, 2024 was not a jurisdictional issue but an issue on merits of the dispute, the Learned Arbitrator under Section 16 of the Arbitration Act could not have rendered any conclusive findings touching the merits of the claim. The arbitral autonomy under Section 5 of the Arbitration Act will not come in the way of deciding whether the Learned Arbitrator could have rendered conclusive findings on merits of dispute under Section 16, as the legislative scheme of Section 16 permits the Learned Arbitrator to rule only on its jurisdiction in respect of the aspect of existence or validity of the arbitration agreement. The Petitioner could not be deprived of its right to lead evidence on the issue of whether the Business Confirmation dated 31 January, 2024 constituted a concluded contract or not in light of the position that such issue was fact-laden, by going into the validity of such finding in present petition. The Petition is partly allowed by holding that the findings in the impugned order dated 21 December, 2025 as regards the binding nature of the Business Confirmation dated 31 January, 2024 are not conclusive findings.

36. Interim Application do not survive for consideration and stands dismissed."

2. Having considered the matter in detail, we are of the opinion that the findings of the Arbitral Tribunal exercising jurisdiction under Section 16 of the Arbitration and Conciliation Act, 1996 are relatable to determining the question as to whether there exists an arbitration agreement or not, to enable the Arbitral Tribunal to enter into the merits of the matter and the disputes between the

parties. The Judgment and order before us is that far and no further. The observations, if any, about the merits of the matter are to be considered as relatable only for disposal of Section 16 application and no more. The order impugned before us is not an interim award as contemplated under Section 31 of the Act.

3. All questions of law and fact including admittance of documents and examination of witness on merits of the case are kept open for the Arbitral Tribunal to consider and decide.

4. With these clarifications, this Special Leave Petition is disposed of.

5. Pending interlocutory application(s), if any, is/are disposed of.

(JAYANT KUMAR ARORA)
ASTT. REGISTRAR-cum-PS

(NIDHI WASON)
ASSISTANT REGISTRAR