

ITEM NO.15

COURT NO.14

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) Nos.25028-25029/2026

[Arising out of impugned judgment and order dated 06-04-2026 in IA No. 36439/2025 & 18-04-2026 in CAA(L) No. 35818/2025 passed by the High Court of Judicature at Bombay]

SUNTECK PRIVATE REALTORS LIMITED

Petitioner(s)

VERSUS

BANDRA SEA BREEZE APARTMENTS CO-OPERATIVE
HOUSING SOCIETY LIMITED

Respondent(s)

FOR ADMISSION, IA No. 210481/2026 - EXEMPTION FROM FILING O.T., IA No. 210482/2026 - PERMISSION TO FILE LENGTHY LIST OF DATES

Date : 31-07-2026 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.V. VISWANATHAN
HON'BLE MR. JUSTICE ARUN PALLI

For Petitioner(s) Mr. Mukul Rohatgi, Sr. Adv.
Mr. Neeraj Kishan Kaul, Sr. Adv.
Mrs. Misha Rohatgi, Adv.
Ms. Jasmine Sheth Kachalia, Adv.
Mr. Pranaya Goyal, Adv.
Mr. Viren Mandhale, Adv.
Mr. Sahil Singh, Adv.
Ms. Ruchi Arya, Adv.
Mr. Omm Mitra, Adv.
Ms. Aditi Goswami, Adv.
Ms. Ira Mahajan, Adv.
Mr. Mayank Gupta, Adv.
Ms. Apoorva Kaushik, AOR

For Respondent(s)

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

1. Heard Mr. Mukul Rohatgi, learned Senior Counsel and Mr. Neeraj Kishan Kaul, learned Senior Counsel, both appearing for the petitioner. Learned Senior Counsels drawing attention

to the impugned order(s) submit that there has been no decision on the merits, in the appeal filed under Section 37 of the Arbitration & Conciliation Act, 1996 (for short, 'A&C Act'). According to learned Senior Counsels, not only there is no decision on the merits by the Division Bench of the High Court but the petitioner has also been foreclosed from agitating its rights before the Arbitrator. Learned Senior Counsels contend that either the Division Bench of the High Court should have heard the matter(s) on merits, insofar as the correctness of the order of the learned Single Judge in the application/appeal under Section 9 of the A&C Act or should have let the Arbitrator to decide interim measures on a clean slate.

2. Learned Senior Counsels by drawing attention to paragraph 6 of the impugned order dated 06.04.2026, submit that this was especially so, in view of the observations made therein. Para 6 of the impugned order extracted hereinbelow:

6. There is no dispute that a development agreement with a third party has been entered into on 22nd September 2025 and that entity was not a party in the proceedings of Commercial Arbitration Petition (L) No.30532 of 2025. However, we are of the opinion that the appellant-company, if invokes the arbitration clause for constitution of the arbitral tribunal the observations made in paragraph no.40 should not be a ground not to entertain the prayer seeking a specific performance of the development agreement, which issue shall be within the domain of arbitral tribunal."

3. Issue notice, returnable on 19th August, 2026.

4. Liberty is granted to serve by dasti in addition.

5. Till 19th August, 2026, *status quo* as on today shall be maintained.

(NIRMALA NEGI)
ASTT. REGISTRAR-cum-PS

(MANOJ KUMAR)
COURT MASTER (NSH)