

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO..... OF 2026
(@Special Leave Petition (C) No.21642/2026)

KHAJURAHO GREENS LLP & ORS.

Appellant (s)

VERSUS

BESTCO CABLES PRIVATE LIMITED & ANR.

Respondent(s)

O R D E R

1. Leave granted.

2. This appeal arises from the order passed by the High Court of Judicature at Allahabad dated 29.5.2026 preferred by the respondents before us under Article 227 of the Constitution seeking appropriate relief in respect of Section 9 application preferred under the Arbitration and Conciliation Act, 1996 (for short, "the Act, 1996") before the Court in NOIDA. The High Court passed the following impugned order:-

"1.Heard Sri Anurag Khanna, learned senior counsel assisted by Raghav Dev Garg, learned counsel for the petitioner and learned counsel for the respondent.

Learned senior counsel submits that an application under section 9 of the Arbitration and Reconciliation Act, 1996 has been filed which is still pending before the Commercial Court. He further submits that the respondent has filed Matter Under Article 227 No 2792 of 2026 in which interim protection has been granted by order dated 27.2.2026 staying the effect and operation of the order dated 182.2026. He further submits that under the grab of the said order the respondents are proceeding to dispose of the property in question as well as the Commercial Court is not deciding the application filed under section 9 of the Act.

In view of the facts and circumstances of the case, list this matter as fresh on 7.7.2026 along with

with connected matter.

Till the next date of listing the respondent shall not create any third party right over the property in question."

3. The appellants being dissatisfied with the impugned order passed by the High Court referred to above, are here before us.

4. We heard Mr. Rajiv Shakhder, the learned senior counsel appearing for the appellants and Mr. Ravindra Shrivastava, the learned senior counsel appearing for the respondents.

5. It appears from the materials on record that there is one petition preferred by the appellants before us, i.e., under Article 227 of the Constitution being Petition No. 2792 of 2026 before the High Court. This was first in point of time. In the said petition, the appellants raised an issue with regard to the territorial jurisdiction of the NOIDA Court to adjudicate the Section 9 application preferred by the respondents. In the said petition, the very same learned Judge of the High Court passed the following order on 27.02.2026:-

"1. Heard Sri Anil Bhushan, learned Senior Advocate assisted by Sri Adarsh Bhushan, learned counsel for the petitioner and Sri Vinay Khare, learned Senior Advocate assisted by Sri Shikhar Kaushal, learned counsel for respondents.

2. Sri Khare raises a preliminary objection about the maintainability of the present writ petition and submits that the present writ petition is not maintainable in view of Section 8 read with Section 13 of the Commercial Courts Act and the petitioners are liable to file appeal.

3. Confronted with the said fact, Sri Anil Bhushan, learned Senior Advocate refers proviso to Section 13 and submits that the present writ petition is maintainable.

4. In view of above, perusal of the record shows that the present writ petition is maintainable as the application of the petitioner filed under Order VII Rule 10 as well as Section 151 C.P.C. for return of application for want of jurisdiction, has been rejected.

5. Learned counsel for the petitioner submits that a partnership agreement was executed on 27.08.2024 at Bhopal, M.P., which contemplates an arbitration clause in para no. 13.4 and therefore, if any dispute arises between the parties, the jurisdiction of M.P. Courts are there. He further submits that the respondent nos. 1 & 2 were expelled from the partnership firm on 27.01.2026. The said order has not been assailed but an appeal has been filed under Section 9 with the relief which cannot be granted by the Commercial Court. The matter ought to have been referred to the arbitrator as contemplated in the agreement. In support of his submission, he has relied upon the judgment passed by Hon'ble Supreme Court in the case of Ravi Ranjan Development Pvt. Ltd. versus Aditya Kumar Chatterjee, reported in 2022 SCC OnLine SC 568.

6. The said fact has seriously been opposed by the learned counsel for respondents and submits that Section 16 of the C.P.C. empowers the filing of present application and submits that part of jurisdiction is within the territorial jurisdiction of the Noida Court as the property belongs to partnership firm is situated in Noida, therefore, has rightly filed the appeal before the Commercial Court.

7. The matter requires consideration.

8. The respondents may file counter affidavit within a period of four weeks. Rejoinder affidavit, if any, may be filed within a week, thereafter.

9. List thereafter.

10. Till the next date of listing, the impugned order shall be kept in abeyance."

6. Thus, on one hand, the appellants, first in point of time, raised an issue with regard to the territorial jurisdiction of the NOIDA Court to adjudicate the application under Section 9 and later in point of time, the respondents

before us moved a petition for expeditious hearing of the Section 9 petition before the NOIDA Court.

7. *Prima facie*, we are of the view that the very procedure adopted by the High Court is not correct.

8. In fact, there was no good reason for the respondents to prefer any petition before the High Court under Article 227 of the Constitution for expeditious disposal of their Section 9 petition.

9. They should have appeared in the very same first petition preferred by the appellants and should have raised all contentions available to them in law.

10. We are of the view that let both the petitions referred to above be heard on 07.08.2026 without fail.

11. Urgent hearing of these two petitions is necessary to avoid further complications in the matter.

12. The impugned order passed by the High Court is hereby set aside.

13. A strong apprehension has been expressed by the learned senior counsel appearing for the respondents that if the interim order is vacated, the appellants may create third party rights.

14. It is needless to clarify that pending the proceedings before the Court if there is any alienation or any third party rights are created, the same would always be subject to *lis pendens*.

15. Having appeared in the petition preferred by the appellants first in point of time, we are of the view that

there was no good reason or ground for the respondents to prefer their 227 petition.

16. With the aforesaid, the appeal stands disposed of.

17. Pending application(s), if any, stands disposed of.

.....J.
[J.B.PARDIWALA]

.....J.
[K. VINOD CHANDRAN]

NEW DELHI;
JULY 15, 2026.

ITEM NO.30

COURT NO.6

SECTION XI

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition for Special Leave to Appeal (C) No.21642/2026

[Arising out of impugned final judgment and order dated 29-05-2026 in MUA227 No. 7441/2026 passed by the High Court of Judicature at Allahabad]

KHAJURAHO GREENS LLP & ORS.

Petitioner(s)

VERSUS

BESTCO CABLES PRIVATE LIMITED & ANR.

Respondent(s)

IA No. 178169/2026 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

Date : 15-07-2026 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE K. VINOD CHANDRAN

For Petitioner(s) :Mr. Rajiv Shakdher, Sr. Adv.
Ms. Megha Karnwal, AOR
Mr. Akshay Ringe, Adv.
Mr. Aaditya Thorat, Adv.
Ms. Awanitika, Adv.
Mr. Muktesh Bajpai, Adv.
Mr. Ravi Sharma, Adv.

For Respondent(s) :Mr. Ravindra Shrivastava, Sr. Adv.
Mr. Nitesh Jain, Adv.
Mr. Nishant Bhargava, Adv.
Ms. Parul Khurana, Adv.
Ms. Sakshi Tripathi, Adv.
Ms. Shruti Verma, Adv.
A. Joshi, Adv.
Ms. Kavya Verma, Adv.
Ms. Amrita Panda, AOR

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

1. Leave granted.
2. Appeal is disposed of in terms of the signed order.
3. Pending application(s), if any, stand disposed of.

(CHANDRESH)
ASTT. REGISTRAR-cum-PS

(POOJA SHARMA)
COURT MASTER (NSH)

(Signed order is placed on the file)