

ITEM NO.33

COURT NO.14

SECTION III-B

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). 27135/2026

[Arising out of impugned judgment and order dated 02-07-2026 in R/FA No. 4935/2023 passed by the High Court of Gujarat at Ahmedabad]

ASHUTOSH SHARMA

Petitioner(s)

VERSUS

INDORE SAHKARI DUGDH SANGH & ANR.

Respondent(s)

FOR ADMISSION

Date : 19-08-2026 This petition was called on for hearing today.

CORAM :

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

For Petitioner(s) Mr. Gaurav Agrawal, Sr. Adv.
Mr. Ganesh A. Khemka, Adv.
Mr. Sarthak Sharma, Adv.
Ms. Vidhi Gupta, Adv.
Mr. Jagatjeet Singh, Adv.
Ms. Shrija Rawat, Adv.
Mr. B Bharanitharan, Adv.
Ms. Sejal Jain, Adv.
Ms. Kaarunya Lakshmi, Adv.
Ms. Pragathi R., Adv.
Mr. Raghavendra Pratap Singh, AOR

For Respondent(s) Mr. Malak Manish Bhatt, AOR
Mr. Shreyansh Chopra, Adv.
Mr. Saahil Bahety, Adv.

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

1. Heard Mr. Gaurav Agrawal, learned Senior Counsel for the petitioner and Mr. Malak Manish Bhatt, learned counsel for the respondents.
2. The present petition calls in question the correctness of the order dated 02-07-2026 in R/FA No. 4935/2023 passed by the

High Court of Gujarat at Ahmedabad.

3. When the matter came up for hearing on 14.08.2026, this Court made the following order:-

"1. Mr. Gaurav Agrawal, learned senior counsel appearing for the petitioner submits that in case the Court is not inclined to interfere with the impugned order on merits, justice requires that a new Arbitrator be appointed.

2. We put this to Mr. Malak Manish Bhatt, learned counsel appearing on caveat on behalf of respondent No.1. He seeks short accommodation to take instructions.

3. List the matter on 19th August, 2026.

4. At this stage, learned counsel for caveator/respondent No.1 submits that in case the instructions are that a fresh Arbitrator can be appointed, the amount withdrawn by the petitioner should be brought back in deposit in an escrow with the Arbitrator.

4. We make it clear that we are not inclined to interfere with the merits of the impugned order. However, parties have jointly reported to us today that they consent for the appointment of a new arbitrator to adjudicate the disputes between the parties from the stage that the original arbitrator closed the evidence of the respondents herein. We propose to appoint a new arbitrator, who will begin proceedings from at stage after permitting the respondents herein to file their affidavit of evidence.

5. Learned counsel for the respondents submits that the petitioner should be directed to return the amount of

Rs.2,41,51,933/- to his client, namely, Indore Sahkari Dugdh Sangh.

6. Learned counsel for the respondents, on instructions, undertakes that the respondents would on receipt of the amount, keep the said amount in a Fixed deposit and deposit the receipt with the arbitrator to whom we propose to appoint.

7. In view of the above, we direct that within a period of eight weeks from today, the petitioner return the amount of Rs.2,41,51,933/- to the respondents. The respondents shall within one week thereafter make a fixed deposit and deposit the receipt of fixed deposit with the arbitrator.

8. Considering that the parties have consented to go in for a fresh arbitration from the stage as indicated above, we appoint Mr. Masoom Shah, Advocate (9925035242) practicing in Ahmedabad, Gujarat, to act as an Arbitrator in this matter.

9. Parties to get in touch with the learned Arbitrator.

10. The fees payable to the arbitrator shall be in accordance with the Fourth Schedule of the Arbitration & Conciliation Act, 1996.

11. Both parties to file undertakings, within a week, to comply with the obligations on them, as directed in the present order.

12. At this stage, learned Senior Counsel for the petitioner submits that there is a bank guarantee of Rs.50,000/- and two properties have been submitted to the Commercial Court at Indore while obtaining release of the amount. The details/documents of the properties are as follows:-

- "1. Sale Deed page 31/37 No.1430 dated 21.05.1997 by Mr.Mahesh Sharma s/o Sh.Premnarayan Sharma*
- 2. Sale Deed No.A-1/1847, place 1077 dated 22.06.2011 by Smt. Rakhi Sharma"*

13. In view of the order that we have made today, the Commercial Court at Indore, shall release the documents of the said properties to the petitioner and also discharge the said bank guarantee.

14. Needless to observe that this Court has not gone into the merits of the case. The arbitrator will decide the dispute afresh uninfluenced by the observations made by the High Court or by this Court.

15. The Special Leave Petition is disposed of in the above terms.

16. Pending application(s), if any, shall also stand disposed of.

(NIRMALA NEGI)
ASTT. REGISTRAR-cum-PS

(MANOJ KUMAR)
COURT MASTER (NSH)