

ITEM NO.304

COURT NO.5

SECTION IX-A

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

Miscellaneous Application Nos. 2256-2257/2026
in SLP(C) Nos.18578-18579/2025

[Arising out of impugned final judgment and order dated 05-08-2025 in SLP(C) No. 18578/2025 05-08-2025 in SLP(C) No. 18579/2025 passed by the Supreme Court of India]

NEELKANTH MANSIONS AND INFRASTRUCTURE
PVT. LTD

Petitioner(s)

VERSUS

URBAN INFRASTRUCTURE TRUSTEES
LIMITED & ANR.

Respondent(s)

[TO BE TAKEN UP AT 3:30 PM]
IA No. 183317/2026 - CLARIFICATION/DIRECTION

Date : 13-10-2026 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE R. MAHADEVAN

For Petitioner(s) : Mr. Kapil Sibal, Sr. Adv.
Mr. Nakul Dewan, Sr. Adv.
Mr. Saharad Bansal, Adv.
Mr. Kazan Shroff, Adv.
Ms. Rashne Mulla Feroze, Adv.
Mr. M. S. Federal, Adv.
Mr. Murtuza Federal, Adv.

Mr. Rony John Adv.
Mr. Arshdeep Singh, Adv.
Mr. Rony Oommen John- 2665, AOR

For Respondent(s) : Mr. Neeraj Kishan Kaul, Sr. Adv.
Mr. Sandeep H. Junnarkar, Adv.
Ms. Mumtaz Bandukwala, Adv.
Mr. Amarjit Singh Bedi, Adv.
Ms. Surekha Raman, Adv.
Mr. Aditya Bapat, Adv.
Mr. Shreyash Kumar, Adv.
Mr. Sidharth Nair, Adv.
Mr. Harshit Singh, Adv.
Mr. Yashwant Sanjenbam, Adv.
M/S. K J John And Co- 1287, AOR

M/S. Mps Legal- 3650, AOR
Mr. J.s.kini, Adv.
Mr. Aum Kini, Adv.
Mr. Prabhat Chaurasia, Adv.
Mr. Parth Kini, Adv.
Mr. Jasdeep Singh Dhillon, Adv.
Mr. Anirudh Jamwal, Adv.
Ms. Kenisha Savla, Adv.
Mr. Aditya Bajaj, Adv.
Mr. Inder Singh Mahara, Adv.

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

1. These applications are at the instance of the original petitioner seeking clarification of our order dated 05.08.2025 passed in SLP (C) Nos. 18578-18579 of 2025 decided on 05.08.2025.
2. In the applications, the following reliefs have been prayed for:-

"a) Clarify that the order dated 05.08.2025 passed in Special Leave Petition (Civil) Nos. 18578-18579

of 2025 required the learned Arbitrator to decide the questions referred therein at the preliminary stage itself and not at the stage of final bearing / award; and

b) Clarify that the order dated 05.08.2025 passed in Special Leave Petition (Civil) No. 18578-18579 of 2025 required the learned Arbitrator to decide the questions in the context of the Applicant/Petitioner's assertions in Special Leave Petition (Civil) No. 18578-18579 of 2025 and not merely on the basis of the SOC filed by Respondent No. 1"

3. We heard Mr. Kapil Sibal and Mr. Nakul Dewan, the learned Senior counsel appearing for the applicant/original petitioner, and on the other hand, Mr. Neeraj Kishan Kaul, the learned Senior counsel appearing for the opponent (original respondent no.1).

4. By our order dated 05.08.2025, we had requested the learned Arbitrator to look into the four questions formulated by us as contained in paragraph 4 of the order, referred to above.

5. We also clarified in our order that we had nothing to say or there was no good reason to interfere insofar as the appointment of the Arbitrator was concerned. However, we requested the learned Arbitrator to first hear the parties on four questions of law formulated by us and based on the answers proceed further accordingly.

6. To put it briefly, *prima facie*, the entire controversy revolves around whether the Trust has stood extinguished or

not. It appears that in due deference to the order passed by this Court, referred to above, the learned Arbitrator heard the parties and has passed an order dated 08.05.2026 with which the applicant is aggrieved, and in such circumstances, he is here before us seeking appropriate clarification.

7. According to Mr. Sibal and Mr. Dewan, the learned Arbitrator has not gone by the order passed by this Court and has still left the issue, as regards extinguishment of Trust, open to be looked into at the stage of final hearing, more particularly, after the statement of defence comes on record.

8. It is needless to clarify that the client of Mr. Kaul is the claimants & on the other hand, the client of Mr. Sibal and Mr. Dewan is the respondent.

9. We looked into the order passed by the learned Arbitrator.

10. In paragraph 52 of the order dated 08.05.2026, the learned Arbitrator has observed as under:-

"52.....The question of the existence of the Trust in this case arises only because the Respondents have contended that it stood extinguished....."

11. After observing as aforesaid, the learned Arbitrator proceeded to observe the following in paragraph 53:-

"53. The question therefore is whether the jurisdiction of the Arbitral Tribunal can be even on the basis of a defence raised by a Respondent."

12. At the end of the order, the learned Arbitrator has observed in paragraph 76 as under : -

"Considering the manner in which the application has been dealt with on behalf of the Respondents, question (a) is answered as follows;

The claim is arbitrable and maintainable. Whether the Arbitral Tribunal has the jurisdiction to consider the defenses relating to the extinguishment of the Trust is kept open and all the rights and contentions of the Claimant and the Respondents in regard thereto are kept open and will be decided in the Award.

RE : Issue (b)

Whether the issue of extinguishment of a trust had a direct bearing on the threshold maintainability of the Section 11 Application filed by Respondent No. 17."

13. What we have been able to understand from the aforesaid is that the learned Arbitrator wants the statement of defence to come on record for meaningful and better adjudication of the pivotal question as regards extinguishment of the Trust. If that be so, we direct the applicant before us to file his statement of defence with all documents, he proposes to rely upon, before the learned Arbitrator within a period of four weeks from today. One set of the entire statement of defence shall be furnished to the other side. Once the statement of defence comes on record, we request the learned Arbitrator to look into the same, hear both the sides and give a specific

finding as regards whether the Trust has stood extinguished or is still in operation. In other words, the four questions which we have formulated as referred to above.

14. If ultimately, the learned Arbitrator records a finding that the Trust has not stood extinguished, the Arbitrator shall proceed further to decide other arbitral issues in accordance with law.

15. If the Arbitrator records a finding that the Trust has stood extinguished, he may pass an appropriate order in accordance with law.

16. At this stage, Mr. Kaul, would submit that he has some reservations when this Court says that the only controversy is with regard to extinguishment of Trust. According to him, the core issue is with respect to SHA. It goes without saying that this is a matter, which the learned Arbitrator will look into it.

17. With the aforesaid, the Miscellaneous applications stand disposed of.

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

(CHANDRESH)
ASTT. REGISTRAR-cum-PS

(POOJA SHARMA)
COURT MASTER (NSH)