

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. _____ OF 2026
[SPECIAL LEAVE PETITION (C) NO. 12737-12738 OF 2026]

PADMASHREE DR. VITTHALRAO VIKHE PATIL
SAHAKARI SAKHAR KARKHANA LTD.

Appellant (s)

VERSUS

THE SHRI GANESH SAHAKARI SAKHAR
KARKHANA LTD. & ORS.

Respondent(s)

O R D E R

1. Leave granted.
2. These appeals arise out of the Judgment and Order dated 19.12.2025 passed by the High Court of Judicature at Bombay, Bench at Aurangabad, dismissing the contempt petitions on the ground that the petitions are not maintainable.
3. For the present purpose, we need not dwell deep into the facts, except to say that the maintainability of the contempt petitions is no more *res integra* in view of the Judgment and Order passed by this Court in *Alka Chandewar Vs. Shamshul Ishrar Khan*¹. The relevant paragraphs of the Judgment are extracted thus:-

"48. In the face of such categorical judicial opinion, the Delhi High Court attempted to find a suitable legislative basis for enforcing the orders of the arbitral tribunal under Section 17 in the case of Sri Krishan v. Anand, (2009) 3 Arb LR 447 (Del) (followed in Indiabulls Financial Services v. Jubilee

Plots, OMP Nos. 452-453/2009 Order dated 18.08.2009). The Delhi High Court held that any person failing to comply with the order of the arbitral tribunal under section 17 would be deemed to be "making any other default" or "guilty" of any contempt to the arbitral tribunal during the conduct of the proceedings" under section 27(5) of Act. The remedy of the aggrieved party would then be to apply to the arbitral tribunal for making a representation to the Court to mete out appropriate punishment. Once such a representation is received by the Court from the arbitral tribunal, the Court would be competent to deal with such party in default as if it is in contempt of an order of the Court, i.e., either under the provisions of the Contempt of Courts Act or under the provisions of Order 39 Rule 2A Code of Civil Procedure, 1908.

49. The Commission believes that while it is important to provide teeth to the interim orders of the arbitral tribunal as well as to provide for their enforcement, the judgment of the Delhi High Court in Sri Krishan v. Anand is not a complete solution. The Commission has, therefore, recommended amendments to section 17 of the Act which would give teeth to the orders of the Arbitral Tribunal and the same would be statutorily enforceable in the same manner as the Orders of a Court. In this respect, the views of the Commission are consistent with (though do not go as far as) the 2006 amendments to Article 17 of the UNCITRAL Model Law.

Pursuant to this report, sub-section(2) to Section 17 was added by the Amendment Act 2015, so that the cumbersome procedure of an Arbitral Tribunal having to apply every time to the High Court for contempt of its orders would no longer be necessary. Such orders would now be deemed to be orders of the Court for all purposes and would be enforced under the Civil Procedure Code, 1908 in the same

manner as if they were orders of the Court. Thus we do not find Shri Rana Mukherjee's submission to be of any substance in view of the fact that Section 17(2) was enacted for the purpose of providing a "complete solution" to the problem.

Accordingly, we allow the appeal and set aside the judgment of the Bombay High Court. The matter is remanded to decide the alleged contempt on facts. It would be open for the respondent to argue before the High Court that he has, on the facts of the case, not committed any contempt"

4. We have heard Mr. N.K. Kaul, learned senior counsel appearing for the appellant and Mr. Sudhanshu Choudhary, learned senior counsel appearing for the respondents at length.

5. As regards the contentions of Mr. N.K. Kaul, learned senior counsel, that despite the clear and categorical order of injunction by the Arbitral Tribunal dated 02.09.2024, the respondents have entered into mortgages, Mr. Sudhanshu Choudhary, learned senior counsel, seeks to contend that there is no contempt because of letters dated 14.10.2024, and 30.12.2025, wherein the Arbitrator-Commissioner of Sugar granted No Objection Certificates permitting the Respondent 2-Bank to disburse loan amounts. We are not inclined to examine the merits of the matters in view of the fact that we are restoring the contempt petitions. It is now open for the respective parties to raise all contentions in the contempt proceedings

and the High Court will consider the same on their own merits and decide if there is any deliberate disobedience of the order.

6. We would also request the High Court to take up and dispose of the contempt petitions expeditiously, preferably within three weeks from today.

7. Pending disposal of the contempt petitions, the interim order passed by this Court shall continue to operate.

8. In view of above, the civil appeals are disposed of.

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

.....J.
[PAMIDIGHANTAM SRI NARASIMHA]

.....J.
[ALOK ARADHE]

NEW DELHI;
JULY 31, 2026.

ITEM NO.26

COURT NO.5

SECTION IX

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

Petition(s) for Special Leave to Appeal (C) No(s). 12737-12738/2026

[Arising out of impugned final judgment and order dated 19-12-2025 in CONTP No. 221/2025 19-12-2025 in CONTP No. 793/2025 passed by the High Court of Judicature at Bombay at Aurangabad]

PADMASHREE DR. VITTHALRAO VIKHE PATIL
SAHAKARI SAKHAR KARKHANA LTD.

Petitioner(s)

VERSUS

THE SHRI GANESH SAHAKARI SAKHAR
KARKHANA LTD. & ORS.

Respondent(s)

IA No. 105687/2026 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 105689/2026 - EXEMPTION FROM FILING O.T. IA No. 105690/2026 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/ FACTS/ANNEXURES

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

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

For Petitioner(s) : Mr. Neeraj Kishan Kaul, Sr. Adv.
Mr. Sanjay Kharde, Sr. Adv.
Mr. Annirudha Deshmukh, Adv.
Mr. Satyajeet Kharde, Adv.
Mr. Sunny Jadhav, Adv.
Mr. Arun Longani, Adv.
Mr. Sunil Kumar Verma, AOR

For Respondent(s) : Mr. Sudhanshu S. Choudhari, Sr. Adv.
Mr. Siddharth S. Chapalgaonkar, Adv.
Mr. Akash Tripathi, Adv.
Mr. Yash Singhania, Adv.
Mr. Parimal Wagh, Adv.
Ms. Sneha Sanjay Botwe, AOR

Mr. M. Y. Deshmukh, AOR
Ms. Sanyukta N. Suryawanshi, Adv.
Mr. D. Aswathaman, Adv.
Mr. Atharva D. Kale, Adv.

Mr. Chapalgaonkar Siddharth Sarang, AOR

Ms. Rukhmini Bobde, Adv.
Mr. Siddharth Dharmadhikari, Adv.
Mr. Aaditya Aniruddha Pande, AOR
Mr. Shrirang B. Varma, Adv.
Mr. Vinayak Aren, Adv.
Mr. Jatin Dhamija, Adv.
Ms. Aishwarya Nigam, Adv.

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

1. Leave granted.
2. The civil appeals are disposed of in terms of the signed order.
3. Pending interlocutory application(s), if any, is/are disposed of.

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

(NIDHI WASON)
ASSISTANT REGISTRAR

(Signed order is placed on the file)