

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

COMMERCIAL ARBITRATION PETITION NO.37 OF 2026

Mr. Prashant Vinod Vaghasiya

...Petitioner

Vs.

Mr. Vivekanand Dhaneshwar Jha

...Respondent

WITH
INTERIM APPLICATION NO. 7616 OF 2026
IN
COMMERCIAL ARBITRATION PETITION NO.37 OF 2026

1. Mr. Akhtar Tassaduk Khan

2. Mrs. Vidya Ashok Karkera

...Applicants

In the matter between

Mr. Prashant Vinod Vaghasiya

...Petitioner

Vs.

Mr. Vivekanand Dhaneshwar Jha

...Respondent

WITH
INTERIM APPLICATION (st) NO. 28482 OF 2026
IN
COMMERCIAL ARBITRATION PETITION NO.37 OF 2026

Smt. Surekha Suresh Narkhede

...Applicant

In the matter between

Mr. Prashant Vinod Vaghasiya

...Petitioner

Vs.

Mr. Vivekanand Dhaneshwar Jha

...Respondent

Mr. Anil D'Souza a/w. Mark Dbritto a/w. Mr. Pavan Patil i/b Ernest Tuscano	Advocate for the Petitioner.
Ms. Shaila R. Pandey	for the Respondent.
Mr. Chetan Rathod i/b. Mr. Niraj K. Tripathi	For the Intervenor in IA (ST) No.28482/2026
Ms.Rashmi A. Tiwari	For the Intervenor in IA No. 7616/2026

CORAM : S.M. MODAK, J

DATE : 1st October 2026.

P.C. :

1. Heard both learned Advocates for the Applicants in two intervention applications. Also heard Mr. D'Souza, learned Advocate for the Petitioner and Ms. Pandey, learned Advocate for the Respondent.

2 By these two applications both the sets of applicants are praying for their impleadment in this arbitration petition. They have based their claim on following facts:

A) The original parties to the petition are the Partners of Avighna Infra Bulcon LLP though there is some dispute whether the respondent continue to be a Partner or not?

B) The Applicant No. in I.A. No.7616/26-Akhtar Khan was

inducted as a Partner of Avighna Infra Buildcon LLP on 20th November 2021. He was ousted on 1st July 2024. It is in dispute.

- C) On the basis of the claim as a Partner, Akhtar is praying for his impleadment in this arbitration petition.
- D) Whereas Applicant No.2 in I.A. No.7616/26 -Vidya Karkera who claims to be Partner of Vighnaharta Construction is seeking impleadment on the basis of Deed of Partnership dated 8th April 2013. She became the Partner in place of her husband -Ashok Karkera. There is an MOU dated 8th November 2021 executed in between Avighna Infra Buildcon LLP on one hand and M/s. Vighnaharta Construction. As per the said MOU, Avighna Infra Buildcon LLP has accepted the liability of Vighnaharta Construction.
- E) Whereas the Applicant in I.A.(st) No.28482/2026–Surekha Narkhede is seeking impleadment because she claims to be Partner of M/s.Vighnaharta Construction as per Partnership Deed dated 6th April 2011. She also claims that on the basis of MOU in between M/s. Avighna Infra LLP and M/s. Vighnaharta Construction, the liability of Vighnaharta is taken over by M/s. Avighna.

3. The above events are recorded on the basis of List of Dates and

Events filed on behalf of the Applicants. The Petitioner does not admits the events as narrated above. In the list of events both the Applicants have narrated all the events. Out of them, the events which are relevant for deciding the impleadment are noted above.

4. These events are not acceptable to the Petitioner but Court has not gone into the said contentious issue. On the basis of instructions, both the learned Advocates submitted that they are ready to appear before the Arbitrator if the dispute is referred to arbitration.

5. Learned Advocate for the Petitioner relied upon the observations in case of *ASF Buildtech Private Limited v/s. Shapoorji Pallonji and Company Private Ltd.*¹. His contention is the above applicants are not necessary party in this arbitration petition and if they want they can file independent impleadment application before the learned Arbitrator. He relied upon the observations in Para Nos.66, Para No.88 and Para No.99 to Para No.102. Once learned Advocates for the Applicants have shown readiness to appear before the learned Arbitrator if the dispute is referred to arbitration, this Court is refraining itself from making any observations about necessity of these applicants being a party before the learned Arbitrator. Hence, the following order:

ORDER

- (i) Both the intervention Applications are allowed.

¹ (2025) 5 S.C.R. 1565

- (ii) The Applicants in both the applications be joined as the Respondents. Amendment be carried out within one week.
 - (iii) Their submission for participation before the Arbitrator is recorded.
 - (iv) Both interim applications are disposed of
6. List the Petition on **9th October 2026** as 'Part-Heard'.

(S.M. MODAK, J.)