

ITEM NO.17

COURT NO.1

SECTION XIV

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.14936/2024

(Arising out of impugned final judgment and order dated 17-05-2024 in FAO(OS)(COMM) No.179/2023 passed by the High Court of Delhi at New Delhi)

KALANITHI MARAN

Petitioner(s)

VERSUS

AJAY SINGH & ANR.

Respondent(s)

(With IA No.148255/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.148256/2024-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES and IA No.149235/2024-APPLICATION FOR PERMISSION)

WITH S.L.P.(C) No.14741/2024 (XIV)

(With IA No.146770/2024-PERMISSION TO PLACE ON RECORD SUBSEQUENT FACTS and IA No.146768/2024-PERMISSION TO FILE LENGTHY LIST OF DATES and IA No.148090/2024-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 26-07-2024 This petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE J.B. PARDIWALA  
HON'BLE MR. JUSTICE MANOJ MISRA

For Petitioner(s)  
SLPC 14936/2024

Dr. Abhishek Manu Singhvi, Sr. Adv.  
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Ms. Hiral Gupta, Adv.  
Ms. Bhumika Kapoor, Adv.

Ms. Sukanya Singh, Adv.  
Mr. Siddharth Seem, Adv.  
M/s. Cyril Amarchand Mangaldas

SLPC 14741/2024

Mr. Maninder Singh, Sr. Adv.  
Ms. Nandini Gore, Adv.  
Ms. Sonia Nigam, Adv.  
Mr. Rajat Dasgupta, Adv.  
Mr. Akarsh Sharma, Adv.  
Mr. Rangasaran Mohan, Adv.  
M/s. Karanjawala & Co.

For Respondent(s)

Mr. Amit Sibal, Sr. Adv.  
Mr. K.R. Sasiprabhu, AOR  
Mr. Goutham Shivashankar, Adv.  
Mr. Vishnu Sharma A S, Adv.  
Mr. Tushar Bhardwaj, Adv.  
Mr. Manan Shishodia, Adv.  
Mr. Prakhar Agarwal, Adv.

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

- 1 We are in agreement with the reasoning which led the Division Bench of the Delhi High Court to remand the proceedings back to the Single Judge for reconsidering the petition under Section 34 of the Arbitration and Conciliation Act 1996.
- 2 Interference with an arbitral award under Section 34 must be confined to the grounds which are permissible under the statute. But equally, the Judge hearing an application under Section 34 must apply their mind to the grounds of challenge and then deduce as to whether a case for interference within the parameters of Section 34 has been made out. Reading the order of the Single Judge, we find no discernible reason which has weighed with the Single Judge. There has been no consideration of the arguments which were urged before the Single Judge.

- 3 In paragraphs 121 of the impugned judgment, the Division Bench has observed as follows:

“We, additionally and out of abundant caution, deem it appropriate to observe that the discussion appearing in the preceding parts of this judgment and concerning the validity of the award of refund and the grant of interest, appears in the context of examining the correctness of the judgment rendered by the learned Single Judge alone. None of those are liable to be viewed or accepted as being determinative of some of the submissions which were addressed on this appeal.”

- 4 In this view of the matter, the Division Bench did not err in remitting the proceedings back to the Single Judge.
- 5 In the facts and circumstances, we request the learned Chief Justice of the Delhi High Court to assign the hearing of the petition under Section 34 to a Judge other than the Judge who heard and passed the impugned order.
- 6 Since the Division Bench of the High Court has remanded the proceedings back to the Single Judge for reconsidering the petition under Section 34 which order has been affirmed by this Court, it needs to be clarified that all the rights and contentions of the parties are kept open.
- 7 The Special Leave Petitions are accordingly disposed of.
- 8 Pending applications, if any, stand disposed of.

**(CHETAN KUMAR)**  
**A.R. -cum-P.S.**

**(SAROJ KUMARI GAUR)**  
**Assistant Registrar**