

CNR No: PHHC010248342026

2026:PHHC:115450



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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

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Date of Decision :- 19.08.2026

M/s Nawanshahr Power Private Limited

.... Petitioner

Versus

**Sujinder Pal Singh Arora, General Manager, Nawanshahr Cooperative
Sugar Mill**

.... Respondent

CORAM : HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present: Mr. Sangram Singh Saron, Advocate with
Mr. D.S. Garcha, Advocate,
Ms. Tanya Bahl, Advocate,
Ms. Kimreet Kaur Khurana, Advocate and
Mr. Lakshya Jain, Advocate
for the petitioner.

Mr. Balwinder Singh, Advocate
for the respondent.

AMARJOT BHATTI J.

1. Petitioner M/s Nawanshahr Power Private Limited, Nawanshahr Sugar Mill filed contempt petition under Section 12 of the Contempt of Courts Act, 1971 read with Section 151 CPC for punishing respondent for deliberate and willful disobedience to the order dated 17.12.2025 (Annexure P-1) passed by learned Arbitral Tribunal in the matter of "Nawanshahr Cooperative Sugar Mill Ltd. versus M/s Nawanshahr Power Private Limited and another".
2. The arguments are heard firstly on the maintainability of present contempt petition. Learned counsel representing petitioner pointed out that impugned order dated 17.12.2025 (Annexure P-1) has been passed on



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application under Section 17 of the Arbitration and Conciliation Act, 1996 filed by M/s Nawanshahr Power Private Limited – petitioner (respondent No.2 in that case). While disposing of this application, specific directions were given which are detailed in aforesaid order. Learned counsel referred to the provisions of Section 17(2) of the Arbitration and Conciliation Act, 1996, which runs as under :-

“17. Interim measures ordered by arbitral tribunal.

(1) xxx xxx xxx

(2) *Subject to any orders passed in an appeal under section 37, any order issued by the arbitral tribunal under this section shall be deemed to be an order of the Court for all purposes and shall be enforceable under the Code of Civil Procedure, 1908 (5 of 1908), in the same manner as if it were an order of the Court.”*

On that basis, it is pointed out that order passed by Sole Arbitrator under Section 17 of the Arbitration and Conciliation Act, 1996 is deemed to be an order of the Court and same is enforceable under the Code of Civil Procedure, 1908, in the same manner as if it were an order of the Court. In support of this argument, learned counsel representing petitioner has referred to the judgment of **Supreme Court of India** in case titled “**Alka Chandewar Versus Shamshul Ishrar Khan**” in Civil Appeal No. 8720 of 2017, decided on July 6, 2017 cited in **(2017) 16 Supreme Court Cases 119**, where in paras No. 6, 9 and 10, it was observed as under :-

“6. If Section 27(5) is read literally, there is no difficulty in accepting the plea of the learned Senior Advocate for the appellant, because persons failing to attend in accordance with the court process fall under a separate category from “any other default”. Further, the section is not confined to a person being guilty of contempt only when



failing to attend in accordance with such process. The section specifically states that persons guilty of any contempt to the Arbitral Tribunal during the conduct of the arbitral proceedings is within its ken. The aforesaid language is, in fact, in consonance with the chapter heading of Chapter V, “Conduct of arbitral proceedings”. Further, it is well settled that a marginal note can be used as an internal aid to interpretation of statutes only in order to show what is the general drift of the section. It may also be resorted to when the plain meaning of the section is not clear. In the present case we must go by the plain meaning of sub-section (5). This being the case, we find it difficult to appreciate the reasoning of the High Court. Also, in consonance with the modern rule of interpretation of statutes, the entire object of providing that a party may approach the Arbitral Tribunal instead of the Court for interim reliefs would be stultified if interim orders passed by such Tribunal are toothless. It is to give teeth to such orders that an express provision is made in Section 27(5) of the Act.

7. xxx xxx xxx

8. xxx xxx xxx

9. *Pursuant to this 246th Report, sub-section (2) to Section 17 was added by the 2015 Amendment Act, 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.*

10. *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 she has, on the facts of the case, not committed any contempt.”*



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It is pointed out that in view of the provisions of Section 17(2) of the aforesaid Act, contempt petition is maintainable for intentional, willful disobedience to the order passed by the Sole Arbitrator.

3. On the other hand, contempt petition is opposed by learned counsel representing respondent and also filed short reply taking the stand that contempt petition is not maintainable and it is liable to be dismissed at the outset. It is submitted that order dated 17.12.2025 (Annexure P-1) passed by learned Sole Arbitrator under Section 17 of the Arbitration and Conciliation Act, 1996 is deemed to be an order of the Court for the purpose of enforceable under the Code of Civil Procedure. However, remedy for non-compliance of such order is specifically provided under Section 27(5) of the Arbitration and Conciliation Act, 1996. The petitioner instead of filing present contempt petition should have approached learned Arbitrator for taking recourse to the mechanism provided under Section 27(5) of the Act. He has also referred to the judgment of Alka Chandewar Versus Shamshul Ishrar Khan (supra), wherein learned Arbitrator had referred the contempt of order to the High Court to pass necessary orders thereon under Section 27(5) of the Act. Apart from this, learned counsel representing respondent has also referred to the judgment of High Court of Delhi at New Delhi in case titled “Renaissance Buildcon Company Pvt. Ltd. and others versus Tarjinder Kumar Bansal and others” cited in *2026 SCC OnLine Del 418* and referred to paras No. 27, 28 and 29, which runs as under :-

“27. The aforesaid categoric findings by the Hon'ble Supreme Court in Amazon.com Nv (supra) qua the limited nature of the legal fiction created by the deeming provision of Section 17(2) inserted into the



A&C Act by way of the 2015 Amendment leave no doubt in the mind of this Court to conclude that the said deeming provision cannot render the present petition maintainable. It is clear that the provisions regarding 'contempt' under Section 27(5) of the A&C Act have remained unchanged despite addition of Section 17(2) to the A&C Act. Holding otherwise, would be stretching the legal fiction enacted by the 2015 Amendment for the limited purpose of enforceability of an interim order under Section 17(1) of the A&C Act too far, beyond the intent and contemplation of the legislature as adverted to in detail hereinabove.

28. In any event, when the provisions in the special Act, being the A&C Act, are categoric and well-defined, with a specific remedy prescribed therein, the petitioners cannot be allowed to circumvent the same and relegate themselves to the provisions of the CC Act merely by trying to draw a semblance therefrom, as the same would be against the legislative intent behind the A&C Act as also fetter the process of efficient alternate dispute resolution.

29. In light of the afore-going, since the interim order dated 18.07.2015 was passed by the learned Sole Arbitrator under Section 17(1) of the A&C Act in the course of the arbitral proceedings, the petitioners cannot approach this Court by way of the present petition for any contempt thereof. The appropriate remedy under Section 27(5) of the A&C Act would lie before the learned Sole Arbitrator, who upon satisfaction, may make a reference for contempt before this Court."

It is pointed out that petition filed by petitioner under the provisions of Section 12 of the Contempt of Courts Act, 1971 read with Section 151 CPC is not maintainable at this stage and same deserves dismissal.

4. I have considered the arguments and have gone through the record with able assistance of learned counsel(s) for both the parties. Present

contempt petition has been filed for willful, deliberate disobedience to the order dated 17.12.2025 (Annexure P-1) passed by learned Arbitral Tribunal on application under Section 17 of the Arbitration and Conciliation Act, 1996 and while passing this order has given directions as detailed in last para of the said order. Learned counsel representing petitioner has entirely based his case under the provisions of Section 17(2) of the Arbitration and Conciliation Act, 1996, where it is pointed out that order passed by Sole Arbitrator shall be deemed to be an order of the Court for all purposes, therefore, it is enforceable under the Code of Civil Procedure in the same manner, as if it were an order of the Court.

At the same time, provisions of Section 27 of the Arbitration and Conciliation Act, 1996 cannot be ignored. Relevant provision of Section 27(5) of the Arbitration and Conciliation Act, 1996 runs as under :-

“27. Court assistance in taking evidence.—

(1)	xxx	xxx	xxx
(2)	xxx	xxx	xxx
(3)	xxx	xxx	xxx
(4)	xxx	xxx	xxx
(5)	<i>Persons failing to attend in accordance with such process, or making any other default, or refusing to give their evidence, or guilty of any contempt to the arbitral tribunal during the conduct of arbitral proceedings, shall be subject to the like disadvantages, penalties and punishments by order of the Court on the representation of the arbitral tribunal as they would incur for the like offences in suits tried before the Court.</i>		
(6)	xxx	xxx	xxx”



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In the aforesaid provision, specific remedy has been provided with regards to the contempt to the Arbitral Tribunal during the conduct of arbitral proceedings. It is rightly pointed out by learned counsel representing respondent that even in **Alka Chandewar's case (supra)**, the High Court in that case had received referral order from the Arbitrator under Section 27(5) of the Arbitration and Conciliation Act, 1996. The judgment of Delhi High Court in **Renaissance Buildcon Company Pvt. Ltd. and others' case (supra)** is fully applicable to the facts of present case. Therefore, in case there is any willful, deliberate disobedience to the order/directions passed by the Arbitrator, proper remedy to the petitioner was to file an application before the same Arbitral Tribunal bringing the said non-compliance of the order to its notice and after recording of finding by the Arbitrator, reference could have been made under the provisions of Section 27(5) of the Arbitration and Conciliation Act, 1996.

5. In the light of this, contempt petition filed by petitioner at this stage is pre-mature and no action is warranted at this stage. Consequently, present contempt petition is, accordingly, disposed of.

6. Pending miscellaneous application(s), if any, shall stands disposed of accordingly.

(AMARJOT BHATTI)
JUDGE

19.08.2026

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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No