2026:DHC:9290

$~88

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% ***Date of Decision: October 14th, 2026***

\# **CNR No. DLHC010500612026**

\+ **W.P.(C) 15374/2026 & CM APPL. 72096/2026, CM APPL. 72097/2026, CM APPL. 72098/2026**

M/S SURINDER PAL SINGH AND COMPANY .....Petitioner

Through: Mr. Karnail Singh, Mr. Jatin Chaudhary & Mr. Karan Bidhuri, Advs.

versus

CNH INDUSTRIAL INDIA PRIVATE LIMITED & ANR. .....Respondents

Through: Mr. Niraj Singh, Ms. Aishani Mohan, Ms. Vedanshi Maheshwari, Advs. & Mr. Imran Khan, AR.

CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN

AMIT MAHAJAN, J. *(Oral)*

1. By the present petition, the petitioner challenges the order dated 28.07.2026 (hereafter '**impugned order**') passed by the learned Sole Arbitrator in DIAC Case Ref. No. DIAC/10868/05-25 to the extent that the application preferred by the petitioner under Section 27 of the Arbitration and Conciliation Act, 1996 ('**A&C Act**') was declined and the evidence of the petitioner was closed.

2. Succinctly stated, the petitioner and Respondent No. 1 entered into a Dealership Agreement in relation the sale, promotion and service of agricultural equipment. The Dealership agreement was

initially entered into on 08.04.2019 for a period of three years. Due to certain outstanding performances at the part of the petitioner, a new dealership agreement was entered into on 21.04.2022. The petitioner alleges that the respondents breached the terms and conditions of the said agreement. Consequently, the subject arbitration proceedings were instituted.

3. During the course of the proceedings, the petitioner filed an application under Section 27 of the A&C Act seeking approval of his application for summoning certain witnesses which was dismissed by the learned Sole Arbitrator by the impugned order and the evidence of the petitioner was also closed. While doing so, the learned Sole Arbitrator noted that the only agreement signed by the parties being the agreement dated 21.04.2022 was on record, and the same was relied by both the parties. It was noted that the petitioner cannot be permitted to take a new defence that the agreement was not signed by him for which the summoning of a handwriting expert was sought. It was further noted that the petitioner cannot seek to summon the officers/documents of the respondent for proving his case. Consequently, the application preferred by the petitioner under Section 27 of the A&C Act was dismissed.

4. Aggrieved by the same, the petitioner has filed the present petition.

5. The learned counsel for the petitioner submits that since no alternate remedy is available to the petitioner under the A&C Act, the present writ petition ought to be entertained. He submits that while the arbitral tribunal has the discretion to determine the relevance of the

examination of the witnesses, in order to prove the contents of the additional documents, the summoning of the witnesses listed in the application was essential. The petitioner consequently beseeches this Court to set aside the impugned order.

6. On the other hand, the learned counsel for the respondents submits that present petition ought not to be entertained. He submits that this Court while exercising writ jurisdiction must also consider the nature of challenge and the nature of the impugned order. He submits that the manner of conduction of arbitral proceedings cannot be called into question by filing a writ petition, and consequently urges that the present petition be dismissed.

7. Having considered the rival contentions advanced by the parties, there can be no quarrel with the settled proposition that the scope of judicial interference under Articles 226 and 227 of the Constitution of India with orders passed by an arbitral tribunal is exceedingly narrow and circumscribed, warranting the exercise of such jurisdiction only in exceptional circumstances that too with utmost judicial restraint. The Hon'ble Apex Court in the case of ***Bhaven Construction v. Sardar Sarovar Narmada Nigam Ltd.* : (2022) 1 SCC 75** observed as follows:

> *"18. In any case, the hierarchy in our legal framework, mandates that a legislative enactment cannot curtail a constitutional right. In Nivedita Sharma v. COAI [Nivedita Sharma v. COAI, (2011) 14 SCC 337 : (2012) 4 SCC (Civ) 947] , this Court referred to several judgments and held : (SCC p. 343, para 11)*
>
> > *"11. We have considered the respective arguments/submissions. There cannot be any dispute that the power of the High Courts to issue directions, orders or writs including writs in the nature of habeas corpus, certiorari, mandamus, quo warranto and prohibition under Article 226 of the Constitution is a basic feature of the Constitution and*

> *cannot be curtailed by parliamentary legislation — L. Chandra Kumar v. Union of India [L. Chandra Kumar v. Union of India, (1997) 3 SCC 261 : 1997 SCC (L&S) 577] . However, it is one thing to say that in exercise of the power vested in it under Article 226 of the Constitution, the High Court can entertain a writ petition against any order passed by or action taken by the State and/or its agency/instrumentality or any public authority or order passed by a quasi-judicial body/authority, and it is an altogether different thing to say that each and every petition filed under Article 226 of the Constitution must be entertained by the High Court as a matter of course ignoring the fact that the aggrieved person has an effective alternative remedy. Rather, it is settled law that when a statutory forum is created by law for redressal of grievances, a writ petition should not be entertained ignoring the statutory dispensation." (emphasis supplied)*
>
> *It is therefore, prudent for a Judge to not exercise discretion to allow judicial interference beyond the procedure established under the enactment. This power needs to be exercised in exceptional rarity, wherein one party is left remediless under the statute or a clear "bad faith" shown by one of the parties. This high standard set by this Court is in terms of the legislative intention to make the arbitration fair and efficient."*

8. This Court therefore cannot, as a matter of routine, entertain writ petitions challenging the orders passed by the arbitral tribunal. The very *raison d'être* of arbitration is to secure expeditious disposal of disputes the fulcrum of which lies in minimal judicial intervention. Section 5 of the A&C Act specifically provides that no judicial authority *shall* intervene except in relation to the instances contemplated by the statute. In that regard, Section 34 of the A&C Act provides avenue to the aggrieved party to prefer an application for setting aside the arbitral award. Further, Section 37 of the A&C Act specifically lists down which orders of the arbitral tribunal would be appealable.

9. This Court consequently cannot divorce itself from the

objective of the A&C Act. Further, while taking note of the grievance of the petitioner, this Court cannot lose sight of the nature of challenge as well as the nature of the impugned order. By the impugned order, the learned Sole Arbitrator has denied summoning of certain witnesses and closed the evidence of the petitioner. The same pertains to the manner of conduction of the arbitration proceedings which lies within the domain and discretion of the Arbitral Tribunal. Should the petitioner be aggrieved, the remedy against the same would lie against the interim or final award passed by the arbitral tribunal. Nothing prevents the petitioner from raising a challenge under Section 34 of the A&C Act when the award is passed by the tribunal.

10. However, till such time, if any unwarranted judicial intrusion is made, the very purpose of speedy and efficacious dispute resolution as contemplated by the statute would stand frustrated. The role of this Court, therefore, is not to impede or supplant the arbitral process, but to facilitate its integrity and preserve its autonomy.

11. In view of the above, no ground to entertain the present petition is made out.

12. The present petition is accordingly dismissed. Pending applications also stand disposed of.

AMIT MAHAJAN, J

OCTOBER 14, 2026
"SK"