IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT: HYDERABAD

HON'BLE SRI JUSTICE K. LAKSHMAN
AND
HON'BLE JUSTICE B.R. MADHUSUDHAN RAO

CIVIL REVISION PETITION No.1952 OF 2026

Date:28 -07-2026

Between

M/s Sash Infra .....Petitioner

and

Sri Peddu Chandrasekhara Rao
and others ....Respondents

This Court passed the following

ORDER: (per Hon'ble Sri Justice K.Lakshman)

Heard Sri K.S. Suneel, learned counsel for the petitioner and Mr. J. Prabhakar, learned Senior Counsel representing Smt. D. Venkata Padmaja, learned counsel appearing for the respondent.

2. The Civil Revision Petition is filed under Article 227 of the Constitution of India, assailing the order dated 22.06.2026 passed in I.A.No.01 of 2026 in Arb.Appl.No.278 of 2024 by the Arbitral

Tribunal comprising of sole Arbitrator Sri V.V. Raghavan (Retired District Judge).

3. The facts leading to filing of the present revision are as follows:-

i) The petitioner and respondent entered into a Development Agreement – cum – General Power of Attorney (for short 'DA-cum-GPA) dated 19.08.2019 on the specific terms and conditions mentioned therein.

ii) According to the respondents, there were disputes between the respondents and the petitioner regarding the execution of the said DA-cum-GPA. As the same were arbitrable, they had filed an application *vide* Arb.Appl.No.278 of 2024 under Section 11 of the Arbitration and Conciliation Act, 1996 (for short, 'the Act, 1996'), this Court allowed the said application and appointed Sri V.V. Raghavan, (Retd.) Chief Judge, City Civil Court, Hyderabad, as an Arbitrator. The learned Arbitrator had passed an Award dated 22.11.2025. Operative portion of the same is as follows:-

a. The respondent is given 6 months time from today for obtaining the approval of layout plan from HMDA, to level the land and put the stones or peg marks for each plot in the approved layout.
b. Both the parties can sit together and decide the plots to be allotted to the claimants towards their 60% share and the plots allotted to the respondent towards their 40% share, in the event, the respondent is able to comply with the direction given in Clause-A.
c. The claimant shall take possession of the land, if the respondent is not able to complete his part of the contract as mentioned in Clause-A within six (6) months subject to the claimant paying Rs.40,00,000/- to the respondent.

4. Thereafter, the petitioner had filed an interlocutory application *vide* I.A. No.1 of 2026 in Arb.Appl.No.278 of 2024 under Section 148 read with Section 151 of CPC, seeking enlargement of time by three months to comply with the award contending that pursuant to the award dated 22.11.2025, he has submitted fresh application on 04.12.2015, to grant lay out permission, but the said application was returned with certain shortfalls i.e. by Joint Collector, Irrigation Department EE regarding the existing water body on the site.

5. They have obtained NOC from the EE and Joint Collector in 2024 itself but the concerned office declined to consider the said NOC in view of the extent of 'Edula Kunta' lake was enhanced from Ac.24.00 guntas to Ac.27.09 guntas, as such he was constrained to go for fresh NOC. The Irrigation Department, conducted inspection and gave report that out of 17602.47 sqm, land admeasuring 237 sqm, was affected in the FTL and land admeasuring 657 sqm, was affected in the Buffer Zone and remaining extent of 16709.47 sqm, is feasible for the layout.

6. The HMDA authorities also raised certain shortfalls like revenue sketch issued by the Tahsildar earmarking the proposed site, road confirmation letter from local body regarding approached road, PDF plan duly signed by the owner and Architect, NALA conversion certificate, Location Plan and to upload pahanies and all the shortfalls were cleared however some of the shortfalls are inter-related with the NOC from the Irrigation Department and Joint Collector. The Irrigation Department has conducted inspection and given clearance on 30.04.2026 and the Application No.017326/ HMDA/ 04422/

SWDL/SHZ/2026 is pending with the HMDA for final approval. They spent substantial amount and time to obtain final approval but were not able to obtain the same within the timeframe fixed by the tribunal. Therefore, they filed the said application seeking enlargement of time for three months to comply with the award.

7. The respondents opposed the application contending that it is not maintainable and that once the learned Arbitrator passed an Award, the Arbitral Tribunal becomes *functus officio.*

8. *Vide* the impugned order, learned Arbitrator dismissed the said application holding that on passing the Award, the Arbitral Tribunal becomes *functus officio.*

9. Challenging the said order, the petitioner filed the present revision.

10. We have heard learned counsel for the petitioner and learned senior counsel appearing for respondents.

11. With regard to the maintainability of the present revision, Sri J.Prabhakar, learned Senior Counsel fairly submits that the present revision is maintainable.

12. It is pertinent to note that the present Civil Revision Petition has been filed under Article 227 of the Constitution of India. The said provision confers upon the High Court, the power of superintendence over all courts and tribunals within the State. It is trite law that jurisdiction under Article 227 should be exercised sparingly and only in exceptional circumstances. Such exceptional circumstances include orders passed without jurisdiction, cases where mala fides are writ large, instances of flagrant violation of fundamental rights, etc. Further, while exercising jurisdiction under Article 227, the High Court cannot pass any orders not contemplated under law. In **Estralla Rubber v. Dass Estate (P) Ltd.**[1], the Hon'ble Supreme Court explaining the scope of Article 227 held as follows:

> **6.** The scope and ambit of exercise of power and jurisdiction by a High Court under Article 227 of the

[1] (2001) 8 SCC 97.

Constitution of India is examined and explained in a number of decisions of this Court***. The exercise of power under this article involves a duty on the High Court to keep inferior courts and tribunals within the bounds of their authority and to see that they do the duty expected or required of them in a legal manner. The High Court is not vested with any unlimited prerogative to correct all kinds of hardship or wrong decisions made within the limits of the jurisdiction of the subordinate courts or tribunals. Exercise of this power and interfering with the orders of the courts or tribunals is restricted to cases of serious dereliction of duty and flagrant violation of fundamental principles of law or justice, where if the High Court does not interfere, a grave injustice remains uncorrected. It is also well settled that the High Court while acting under this article cannot exercise its power as an appellate court or substitute its own judgment in place of that of the subordinate court to correct an error, which is not apparent on the face of the record. The High Court can set aside or ignore the findings of facts of an inferior court or tribunal, if there is no evidence at all to justify or the finding is so perverse, that no reasonable person can possibly come to such a conclusion, which the court or tribunal has come to***.

7. ***This Court in Ahmedabad Mfg. & Calico Ptg. Co. Ltd. v. Ram Tahel Ramnand [(1972) 1 SCC 898 : AIR 1972 SC 1598] in para 12 has stated that the power under Article 227 of the Constitution is intended to be used sparingly and only in appropriate cases, for the purpose of keeping the subordinate courts and tribunals within the bounds of their authority and, not for correcting mere errors***. Reference also has been made in this regard to the case *Waryam Singh* v. *Amarnath* [AIR 1954 SC 215 : 1954 SCR 565] . This Court in *Bathutmal Raichand Oswal* v. *Laxmibai R. Tarte* [(1975) 1 SCC 858 : AIR 1975 SC 1297] has observed that the power of superintendence under Article 227 cannot be invoked to correct an error of fact which only a superior court can do in exercise of its statutory power as a court of appeal and that the High Court in exercising its jurisdiction under Article 227 cannot convert itself into a court of appeal when the legislature has not conferred a right of appeal. Judged by these pronounced principles, the High Court clearly exceeded its jurisdiction under Article 227 in passing the impugned order.

(emphasis supplied)

13. In **Kelvin Air Conditioning and Ventilation System Pvt.Ltd.Vs. Triumph Reality Pvt. Ltd.**[2], the Delhi High Court laid down certain conditions in exercising jurisdiction under Article 226/227 of the Constitution of India. The relevant conditions are extracted below:-

> "(v) Interference is permissible only if the order is completely perverse i.e. that the perversity must stare in the face.
>
> (vi) High Courts ought to discourage litigation which necessarily interfere with the arbitral process.
>
> (vii) Excessive judicial interference in the arbitral process is not encouraged.
>
> (viii) It is prudent not to exercise jurisdiction under Articles 226/227.
>
> (ix) The power should be exercised in 'exceptional rarity' or if there is 'bad faith' which is shown.
>
> (x) Efficiency of the arbitral process ought not to be allowed to diminish and hence interdicting the arbitral process should be completely avoided."

14. In **Serosoft Solutions Pvt.Ltd. vs. Dexter Capital Advisors Pvt.Ltd.**[3], the Apex Court considered the aforesaid conditions and on examination of the facts therein, held that interference under Article 226/227 of the Constitution of India, is

[2] (2024) SCC OnLine Del 7137
[3] (2025) SCC OnLine SC 22

permissible “only if the order is completely perverse i.e. that the perversity must stare in the face.”

15. In the light of the aforesaid principle, this Court is of the view that the revision is maintainable challenging the interlocutory orders passed by arbitral tribunal under certain circumstances.

16. Although the present Civil Revision Petition is maintainable under Article 227 of the Constitution of India, in the opinion of this Court, the same cannot be entertained. As stated above, jurisdiction under Article 227 can be exercised in limited circumstances. According to this Court, no such circumstances exist warranting interference with the impugned order.

17. It is not in dispute that the award dated 22.11.2025 was passed granting 06 months’ time to the Petitioner. There is no challenge to the said Award. As such, the same had attained finality. It is a settled position of law that the arbitral tribunal becomes *functus officio* and its mandate terminates once an award has been passed. In **Dakshin Haryana Bijli Vitran Nigam vs. Navigant Technologies**

Private Limited[4], the Hon'ble Supreme Court held that arbitral proceedings get terminated under Section 32 of the Act 1996, once the final award is passed, and arbitral tribunal becomes *functus officio*, on passing Award.

18. Once the award dated 22.11.2025 was passed, the arbitral tribunal became *functus officio*. Therefore, it cannot entertain any application and pass orders.

19. In the present case, the learned Arbitrator had already passed the final award dated 22.11.2025 in the manner stated above. Six (6) months' time was granted to obtain the approval of the layout plan from the HMDA, to level the land and put the stones or peg marks for each plot in the approved layout, etc. The petitioner sought enlargement of three months time by filing an application vide I.A.No.1 of 2026 in the Arb.Appl.No.278 of 2024 before the learned Arbitrator. The said application is not maintainable. The Act, 1996, does not contemplate or confer any post-final award jurisdiction on the arbitral tribunal. On consideration of the said aspect only, learned

[4] (2021) 7 SCC 657

arbitrator dismissed the aforesaid Interlocutory Application and there is no error in it.

20. Without prejudice to the respective contentions of the parties, this Court is of the view that the petitioner's plea that the delay in obtaining the requisite approvals was on account of circumstances beyond its control warrants due adjudication on merits. The appropriate remedy available to the petitioner is under Section 9 of the Act, 1996. Under the said provision, a party may, before or during arbitral proceedings or **at any time after the making of the arbitral award** but before it is enforced in accordance with Section 36, seek appropriate interim measures. In the present case, though the final award has been passed, the petitioner can invoke Section 9 of the Act, 1996, and seek any interim measure in relation to the final award.

21. In the light of the aforesaid discussion, this revision is dismissed. However, liberty is granted to the petitioner to seek remedy under Section 9 of the Act, before the appropriate Court. There is no order as to costs.

Consequently, pending miscellaneous petitions, if any, in the revision shall stand closed.

K. LAKSHMAN, J

JUSTICE B.R.MADHUSUDHAN RAO

Date:28.07.2026.

Vvr