

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S). OF 2026
(Arising out of SLP(C) No(s). 4615/2020)

VESTIGE MARKETING PRIVATE LIMITED

APPELLANT(S)

VERSUS

DELHMAN REA-IT TRADE
PRIVATE LIMITED & ORS.

RESPONDENT(S)

O R D E R

1. Leave granted.
2. The present appeal calls in question the correctness of the order dated 14-02-2020 in Arbitration Case No.7/2020 passed by Presiding Officer, Commercial Court, Gautam Buddha Nagar, Uttar Pradesh (for short, 'Presiding Officer'). By the said order, the Presiding Officer after registering the petition issued notice to Delhman Rea-It Trade Private Limited who was respondent before the Presiding Officer and who is also respondent no.1 herein. No interim order was passed. The said proceedings before the Presiding Officer were itself by way of a challenge to orders of a sole Arbitrator purportedly under Section 17 of the Arbitration and Conciliation Act, 1996 (for short, 'A&C Act') dated 07.11.2019, 25.11.2019 & 23.12.2019 directing the Axis Bank, Indirapuram; Axis Bank, Lajpat Nagar; State Bank of India, CAG-II, New Delhi; and ICICI Bank, Gurugram-II, to transfer certain amounts mentioned therein to the bank account of the first respondent herein who was a claimant before the Arbitrator.
3. Aggrieved by the fact that the Presiding Officer did not

pass any interim orders, the appellant-company directly approached this Court under Article 136 of the Constitution of India.

4. According to the appellant-company on the strength of what the appellant calls a forged and fabricated investment agreement dated 29.06.2018, the respondent no.1 on 24.05.2019 filed a statement of claim before the sole Arbitrator Shri V.K.Gupta, District and Sessions Judge (Retd.). The claim was that the appellant-company herein was liable to return a sum of Rupees Seventy Seven Crores against the investment of Rupees Fifty Crores made by the first respondent herein. Admittedly, this investment of Rupees Fifty Crores was in cash.

5. According to the appellant, a purported Minutes of Meeting dated 24.05.2019 was also forged and fabricated. By the said minutes all the board of directors of the appellant-company are supposed to have authorized a certain Mohd.Shamsuddin (who according to the appellant was neither an employee of the appellant-company nor a member of the board) purportedly to defend the appellant-company before the sole Arbitrator.

6. On 10.10.2019 an application under Section 17 of the A&C Act was filed by the first respondent herein which resulted in the orders dated 07.11.2019, 25.11.2019 & 23.12.2019 mentioned above.

7. All these facts about the agreement being forged, the investment not being made and the Minutes of meeting being forged are all denied by Mr.Varun Goswami, learned counsel for

respondent no.1.

8. To cut the long story short, when the matter came up to this Court, on 18.02.2020, this Court while issuing notice stayed the operation of the interim order dated 14.02.2020 of the Presiding Officer and also directed that no amounts were to be released by the Banks to the respondent.

9. Mr. Nalin Kohli, learned Senior Counsel for the appellant submits that by this time amounts to the tune of Rupees Eighteen Crores out of Rupees Thirty Crores had come to be released and because of the order of this Court dated 18.02.2020, Rupees Twelve Crores were prevented from being released.

10. Thereafter, on 27.09.2022, this Court directed the respondent no.1 to file an affidavit on or before 29.09.2022 indicating (a) the source of Rupees Fifty Crores which was stated to have been advanced to the appellant-company; (b) the details about money released as a result of directions issued by the learned Arbitrator and (c) the account in which the money is presently lying.

11. The affidavit answering the queries of the Court came to be filed by respondent no.1.

12. On 29.09.2022 when this Court took up the matter, the following order was passed:-

"It is submitted that an affidavit on behalf of Respondent No.1, in terms of the order dated 27.09.2022, was sent by email; however, the original affidavit has not been placed on record.

Since the earlier orders have been passed by the Bench presided over by Hon'ble The Chief Justice of India, let

the matter be listed before an appropriate Bench, after obtaining orders from Hon'ble The Chief Justice.

In the meanwhile, having regard to the terms of Para 4 of the affidavit (a copy whereof was provided in Court), the respondents are restrained from, in any manner, alienating or creating any right in respect of the equity shares said to have acquired by it to the tune of 1.4% of the equity holding in Darwin Platform Infrastructure Ltd.

Darwin Platform Infrastructure Ltd. is also restrained from transferring the equity or any of the respondents' interest or entitlement in it, till the next date of hearing. This order shall be communicated to the said company, for this purpose, the respondent is directed to provide its address and email I.D. to the Registry, forthwith. "

13. In substance by the order dated 29.09.2022, this Court restrained the respondents from in any manner, alienating or creating any right in respect of the equity shares said to have been acquired by it to the tune of 1.4% to the equity holding in Darwin Platform Infrastructure Ltd. (for short, 'DPIL'). Further, DPIL was also restrained from transferring the equity or any of the respondents' interest or entitlement in it.

14. It is in this background that the matter presents itself before us today.

15. We have heard Mr. Nalin Kohli, learned Senior Counsel for the appellant, Mr. Varun Goswami, learned counsel for respondent no.1 and learned counsel appearing for the Banks.

16. Mr. Nalin Kohli, learned Senior Counsel for the appellant submits that the entire arbitration is a product of fraud and according to the learned Senior Counsel for the appellant, the investment agreement which forms the foundation of the first respondent's claim dated 24.05.2019 is forged and fabricated.

The minutes of meeting purportedly authorizing a certain Mohd.Shamsuddin to appear on behalf of the appellant-company before the Arbitrator is fabricated. Learned Senior counsel for the appellant also submits that the Arbitrator has made an order contrary to the terms of Section 17 of the A&C Act.

17. Mr. Varun Goswami, learned counsel for the respondent no.1 at the outset objects to the maintainability of this Appeal arising out of Special Leave Petition directly against the order of the Presiding Officer. Learned counsel for the respondent no.1 submitted that agreements are genuine and that the minutes of meeting are also genuine. Learned counsel for the respondent no.1 submitted that today the appellant-company is secure on account of the two orders made by this Court restraining further disbursal as well as the order restraining the alienation of equity shares.

18. At the hearing the scenario that presented was this. The appellant-company claims that a sum of Rupees Eighteen Crores has been siphoned of from its account. On the other hand, the first respondent claims that there was a legitimate investment of Rupees Fifty Crores which resulted in total claim of Rupees Seventy Seven Crores. The sole Arbitrator Shri V.K.Gupta, has since deceased. No substitution application have been moved in view of the interim orders of this Court, according to the first respondent.

19. In this state of affairs and when the matter stood thus, both the parties before us have now agreed that they will have the issue sorted out before a new Arbitrator. Insofar as the

selection of the name of the new Arbitrator is concerned, both parties left it to this Court.

20. Having considered the submissions, we are of the opinion that the appropriate course to adopt would be to take into account the agreement for appointing an Arbitrator arrived at before us and recorded by this order, and appoint a new Arbitrator.

21. We request Hon'ble Justice Bhushan Ramkrishna Gavai, Former Chief Justice of India to act as the sole Arbitrator as jointly consented by both the parties.

22. We grant liberty to parties to file afresh claims and counter-claims. Mr. Nalin Kohli, learned Senior Counsel for the appellant expressed a concern that he needs to obtain declaration of the invalidity of agreements. When we permit the parties to raise claims and counter-claims, all disputes would stand referred to the learned Arbitrator. Whoever files the claim first, would be the claimant and whoever responds, would also be entitled to file counter-claim, if they have any. All disputes involved in this matter between appellant-company and respondent no.1 would stand referred to the learned Arbitrator.

23. There are two interim orders passed by this Court which are operating. One is dated 18.02.2020 and the other is dated 29.09.2022. These orders will continue to operate till such time the learned Arbitrator modifies the same.

24. Parties are at liberty to file application under Section 17 of the A&C Act seeking for appropriate interim reliefs.

25. The fees payable to the learned Arbitrator will be

decided in consultation with the parties.

26. The interim orders of this Court dated 18.02.2020 and 29.09.2022 are already operating in supersession of the orders of the learned Arbitrator. They will continue to operate.

27. Considering the nature of the order made and the reference of dispute to the learned Arbitrator made by us today, there is no necessity to deal with the objections or maintainability raised by the first respondent.

28. We clarify that the arbitration is between appellant-company and respondent no.1.

29. Parties shall get in touch with the learned Arbitrator and act according to the directions of the learned Arbitrator.

30. Needless to observe that this order is made in the appeal arising out of the order in a Section 17 application under the A&C Act.

31. Needless to further observe that these orders are made in the appeal arising out of Section 37 of the A&C Act proceedings and will not influence any other proceedings including criminal proceedings which shall all be decided on their own merits.

32. The impugned order dated 14.02.2020 is only an order issuing notice, that order will stand set aside in view of this order made by us today.

33. In view of the above, the proceedings before the Presiding Officer, Commercial Court, Gautam Buddha Nagar, Uttar Pradesh in Arbitration Case No.7/2020, will stand terminated.

34. The appeal is disposed of in the above terms.

35. No order as to costs.

36. Pending application(s), if any, shall also stand disposed of.

..... J.
[K.V. VISWANATHAN]

..... J.
[NONGMEIKAPAM KOTISWAR SINGH]

NEW DELHI;
MAY 07, 2026.

ITEM NO.22

COURT NO.16

SECTION XI

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 4615/2020

[Arising out of impugned final judgment and order dated 14-02-2020 in ARBC No. 7/2020 passed by Presiding Officer, Commercial Court, Gautam Buddha Nagar, Uttar Pradesh]

VESTIGE MARKETING PRIVATE LIMITED

Petitioner(s)

VERSUS

DELHMAN REA-IT TRADE PRIVATE LIMITED & ORS.

Respondent(s)

IA No. 30696/2020 - APPROPRIATE ORDERS/DIRECTIONS

Date : 07-05-2026 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.V. VISWANATHAN

HON'BLE MR. JUSTICE NONGMEIKAPAM KOTISWAR SINGH

For Petitioner(s) Mr. Nalin Kohli, Sr. Adv.
Mr. Sanjay Gupta, Adv.
Mr. Abhishek Sharma, Adv.
Mr. Pranshul Kulshreshta, Adv.
Mr. Anshul Malik, Adv.
Adyasha Patra, Adv.
Mr. Hiren Dasan, AOR
Mr. Ayushman Arora, Adv.

For Respondent(s) Mr. Varun Goswami, Adv.
Mr. Rishi Kumar Singh Gautam, AOR
Mr. Tamilarasan Varadarajan, Adv.

Mr. Sanjay Kapur, AOR
Mr. Surya Prakash, Adv.
Ms. Shubhra Kapur, Adv.
Ms. Santha Smruthi, Adv.

Ms. Roopali Chaturvedi, Adv.
Ms. Chetna Chouksey, Adv.
Mr. Chander Shekhar Ashri, AOR

Mr. Manoj Kumar Srivastava, AOR
Mr. Girish K Mishra, Adv.
Mr. Akshansh Harsh, Adv.
Mr. Pratibha Ranjan, Adv.
Ms. Anamika, Adv.

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

1. Leave granted.
2. The appeal is disposed of in terms of the signed order, which is placed on the file.
3. Pending application(s), if any, shall also stand disposed of.

(NIRMALA NEGI)
ASTT. REGISTRAR-cum-PS

(MANOJ KUMAR)
COURT MASTER (NSH)