



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO.665/2026

M/s Vedanta Ltd., having its registered office at Unit 103, Corporate Avenue 1st Floor, C Wing, Atul Projects, Chakala, Andheri (East) Mumbai-MH-400093, through its Power of Attorney- Mr Karni Singh Rajora, Head Legal & Estate, Iron Ore Business of the Petitioner, being an adult Indian Inhabitant and of major age.

... **PETITIONER**

...**VERSUS...**

M/s Sunflag Iron and Steel Co. Ltd.,
Having its registered office at 33/1, Mount Road, Sadar, Nagpur-440001

...**RESPONDENT**

Shri AR. Deshpande Advocate a/w Shri V.H. Pande, Advocate for petitioner
Shri A.C. Dharmadhikari, Advocate for respondent

CORAM : PRAVIN S. PATIL, J.

DATE OF RESERVING THE JUDGMENT: 02.02.2026
DATE OF PRONOUNCING THE JUDGMENT: 12.02.2026

JUDGMENT

Heard. By consent of the parties, this matter is taken for final disposal at admission stage.

2. The petitioner made exception to the order passed by learned Arbitrator and thereby seeks indulgence of this Court to quash and set aside the order dated 19.12.2025 passed by learned Arbitrator, whereby his application for permission to reopen the examination of the witness and to place on record the additional evidence was rejected by the sole Arbitrator.

3. In the present matter, in view of the indulgence of this Court, the sole Arbitrator came to be appointed to resolve the dispute between the parties as regards the purchase and supply of LAM Coke. Accordingly, the matter was proceeded before the Arbitrator and during the pendency of the arbitration proceedings, the application was moved by the present petitioner seeking permission to reopen the examination of Mr. Anup Prakash Deo and further seeks permission to place on record the additional evidence by way of affidavit.

4. The said application was strongly opposed by the present respondent before the Arbitrator on various grounds and accordingly, the sole Arbitrator by his order dated 19.12.2025, by

recording the reasons, rejected the application of the petitioner. The same is the subject matter of challenge in the present petition.

5. It is revealed from perusal of the proceedings, which are pending before the sole Arbitrator that due to long pendency of the proceedings before the Arbitrator, both parties have jointly filed an application under Section 29-A of the Arbitration and Conciliation Act, 1986 (in short 'the Act of 1986') before this Court for grant of extension of time to conclude the arbitration proceedings within a stipulated time. At that time, this Court had occasion to consider the detailed progress of the proceedings and thereby it has been recorded that the applicant has to examine five witnesses and, therefore, six months extension is granted in the matter. At that time, considering the law laid down by the Hon'ble Supreme Court of India, this Court granted extension of six months time to conclude the arbitration proceedings. This Court made it clear that no further time will be extended if parties fail to conclude arbitration proceedings within the stipulated time.

6. It is further revealed from perusal of the record that on 12.01.2023, Shri Navin Kumar Jaju executed the power of attorney in favour of the witness namely Anup Deo and said witness filed affidavit on evidence on 04.12.2024. His examination in-chief was recorded on 11.03.2025, which was then deferred on 19.04.2025. The said witness, then filed additional affidavit and sought to record further examination in-chief, which was also allowed by the sole Arbitrator. Thereafter, on 05.09.2025, again his further examination in-chief was recorded and then his cross-examination was started on 11.09.2025. The said cross-examination was finally concluded on 20.09.2025. No re-examination was done by the petitioner. As such, during this long cross-examination, his specific averments as well as admission according to the respondent were established on record. During this period, neither the witness nor the petitioner spoke about any documents nor alleged discovery of any documents during this period. As such, in absence of any objection or any new document, cross-examination was concluded on 20.09.2025.

7. The respondent on 06.12.2025, moved the application for seeking permission to reopen the examination of Shri Anup Dev, by stating that it was noticed by them that the power of attorney dated 24.12.2022 and 01.04.2025 issued in favour of Shri Navin Kumar Jaju by the petitioners in view of the Board Resolution dated 23.12.2022 and 26.03.2025 were not placed on record. It is further stated that Shri Navin Kumar Jaju issued the specific power of attorney dated 12.01.2023 and 11.04.2025 in favour of Shri Anup Deo, who was authorised signatory of the petitioner in the arbitration proceedings. During the pendency of the proceedings, the power of attorney dated 11.04.2025 expired on 30.11.2025. Therefore, said Shri Navin Kumar Jaju has executed a power of attorney dated 05.12.2025 and continued Shri Anup Deo as a lawful attorney of the respondent in respect of dispute between the parties. Hence, same is required to be placed on record before the Arbitrator. According to them, the power of attorney dated 24.12.2022 and 01.04.2025 issued in favour of Shri Navin Kumar Jaju are important link to establish that Shri Anup Deo has been validly authorised by the respondent and represents the petitioner in the arbitration proceedings. According to them, it being a

procedural defect and does not go to root of the matter, same should have been permitted by the sole Arbitrator in the matter.

8. The present respondent has strongly objected the said application by filing his reply before the Arbitrator on 10.12.2025. According to him, filing of such application was nothing but delaying tactic of the arbitration. The specific objection was raised by the respondent by stating that during the cross-examination of certain admissions were recorded, particularly on the points of lack of continuous valid authorization, contradiction and absence of foundation document supporting his authority. As such, to overcome and nullify the vital admissions given during the cross-examination, an attempt is made to file such application.

9. It is the submission of the respondent that all these documents which are stated to be placed on record was created internally by the petitioner. The same were in their custody for a long period and there is no justification or valid reasons for not producing the same. Hence, re-opening of evidence by allowing additional document that too at the fag end of the proceedings

cannot be permitted in the matter. According to the respondent, granting such permission would cause great prejudice to him. It is also stated that under Section 29 (1), this Court has already fixed the time limit for deciding the application and hence, such applications which are filed afterthought is nothing but to misguide to the arbitrator in the matter and hence, prayed for rejection of the application.

10. Both the parties have relied upon the various judgments of the Hon'ble Supreme Court of India as well as judgments of this Court on the point that in the arbitration proceedings, normally the Court should not interfere in the matter and the powers should be exercised in exceptional cases. This aspect is not disputed in the matter.

11. In the present case, the submission of the present petitioner is that by the application, which was filed by him before the Arbitrator was merely to seek the clarification of the factual aspects and to place the documents on the record. According to him, non-consideration of this application and refusal to grant

permission to place on record the documents by passing the impugned order *prima facie* perverse in nature and, therefore, considering the settled principles of law, the indulgence of this Court is necessary in the matter.

12. It is further submitted that learned Arbitrator has adopted a totality hyper technical approach while passing the impugned order. According to him, the Arbitrator failed to appreciate that the petitioner sought to cure a procedural lapse and unearth the truth of the substantive dispute between the parties. By allowing the petitioner to place on record the documents would be fair and equitable to both the parties. Hence, he should get a fair opportunity to place on record the power of attorney, which would complete the record and would cause no prejudice to the respondent in the matter.

13. In light of the submission of the petitioner, I have gone through the order of the Arbitrator and after going through the order, it is clear that petitioner has been accorded adequate opportunities to file his pleadings. The duration of the examination

in-chief and cross-examination is itself sufficient to demonstrate that the documents which are alleged to be filed on record would have very well submitted by him before the Arbitrator. It is also pertinent to note that after completion of such long cross-examination and certain admissions, which are came on record, it is not permissible to cure that lacuna in absence of any cogent reasons at the instance of the petitioner.

14. I have also perused the application filed by the petitioner seeking permission to reopen the examination of witnesses and documents, which he wants to place on record by way of affidavit. The application nowhere shows any sufficient reason as to why the said documents were not filed during the evidence of the witness, which was continued for a long period or what are the circumstances prevailing at the relevant time which avoided the petitioner to place on record copies of resolution immediately after it was passed by Company. Hence, in absence of any justified reasons, the Arbitrator has rightly rejected the application.

15. The perusal of the impugned order also reveals the fact that the learned Arbitrator has thoroughly analyzed the arbitral proceedings and the manner in which the application filed by the petitioner. It is also rightly recorded that this Court, on 16.06.2025, while granting extension to the parties made clear that no further extension will be granted in the matter. As such, there is no illegality found in the order of the learned Arbitrator.

16. It is also pertinent to note that if this Court, by order dated 16.06.2025, has made clear that no other extension would be granted to the parties, at that juncture also, it was necessary for the petitioner to take note that all the documents, should be filed diligently in the arbitration proceedings. But, the entire approach of the petitioner shows that he was not diligent to file the documents in the arbitration proceedings. As such this conduct of petitioner creates doubt as to whether said documents were actually in their possession or created subsequently in the matter. In light of this factual position, learned Arbitrator has rightly recorded the finding that granting permission to the petitioner to place on record such

documents, would certainly cause serious prejudice, as the entire proceedings are now closed for final argument of the parties.

17. In light of the above said factual as well as legal position, I am of the considered opinion that it is not a fit case for exercising the extraordinary jurisdiction by invoking the powers under Articles 226 and 227 of the Constitution of India, nor the petitioner has made out a case to point out that there is the perversity stare in the face. So also, there is no exceptional circumstances pointed out by the petitioner, which needs indulgence of this Court to grant permission to place on record the documents before the Arbitrator. Hence, for all these reasons, I find no merit in the petition and the petition stands dismissed.

18. No order as to the costs.

(PRAVIN S. PATIL, J.)

R.S. Sahare