



**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**

**R/SPECIAL CIVIL APPLICATION NO. 2203 of 2026**

**[On order dated 19/02/2026 in R/SCA/2203/2026 ]**

**FOR APPROVAL AND SIGNATURE:**

**HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE SUNITA AGARWAL  
and  
HONOURABLE MR.JUSTICE D.N.RAY**

Approved for Reporting	Yes	No

M/S OYO HOTELS AND HOMES PRIVATE LIMITED (FORMERLY KNOWN  
AS ALCOTT TOWN PLANNERS PVT. LTD.)

Versus

M/S MERIDIAN HOTELS PRIVATE LIMITED

Appearance:

MR. SAURABH SOPARKAR, SR.ADVOCATE WITH MR. DHAVAL VYAS,  
SR.ADVOCATE WITH MR. RAVI PAHWA, ADVOCATE FOR THAKKAR  
AND PAHWA ADVOCATES(1357) for the Petitioner(s) No. 1  
MR. PARAS SUKHWANI, ADVOCATE WITH MR.ANEESH  
S.SADHWANI(18182) for the Respondent(s) No. 1

**CORAM:HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE  
SUNITA AGARWAL  
and  
HONOURABLE MR.JUSTICE D.N.RAY**

**Date : 19/02/2026**

**ORAL JUDGMENT  
(PER : HONOURABLE MR.JUSTICE D.N.RAY)**

1. Heard Mr. Saurabh Soparkar, learned Senior advocate with Mr. Dhaval Vyas, learned Senior advocate with Mr. Ravi Pahwa, learned advocate for the Thakkar and Pahwa Advocates for the Petitioner and Mr. Paras Sukhwani, learned advocate with Mr. Aneesh S. Sadhwani, learned advocate for



the Respondent.

2. The material facts, in a nutshell, giving rise to the present proceedings are as under:-

2.1 The Petitioner is a company engaged in the business of management and operation of hospitality establishments and forms part of the OYO Group of Companies. The Respondent, namely M/s. Meridian Hotels Private Limited, is likewise engaged in the hospitality sector and is the owner of a motel operating under the name "Hotel Kanak" situated at Ahmedabad.

2.2 A Management Services Agreement dated 31.07.2018 came to be executed between the parties on 17.08.2018 for the management and operation of the said hotel. Subsequently, an Addendum dated 13.12.2018 was executed, whereby certain terms and conditions of the principal agreement were modified and supplemented. Disputes and differences having arisen between the parties in connection with the said agreement and its addendum, the Petitioner invoked the arbitration clause and preferred Arbitration Petition No. 53 of 2020 before this Court seeking appointment of an arbitrator. By order dated 08.10.2021, a Sole Arbitrator



came to be appointed. Upon adjudication, the learned Sole Arbitrator passed an arbitral award dated 20.08.2022, followed by an addendum dated 29.09.2022, awarding a sum of Rs. 1,85,23,325/- in favour of the Respondent.

2.3 Aggrieved thereby, the Petitioner instituted proceedings under Section 34 of the Arbitration and Conciliation Act, 1996 before the Commercial Court at Ahmedabad (CMA No. 05 of 2023), seeking setting aside of the said award. An application under Section 36 of the Act was also filed seeking stay of operation of the award pending adjudication of the Section 34 proceedings. During the pendency of the Section 34 proceedings, the Respondent initiated execution proceedings being Commercial Execution Petition No. 413 of 2023 before the Commercial Court at Ahmedabad for enforcement of the award. The Section 34 proceedings were heard at length between February 2023 and September 2023 and were reserved for judgment on 18.09.2023. However, the matter came to be released on 17.05.2024 due to transfer of the presiding Judge.

2.4 It is the case of the Petitioner that during this interregnum, the Respondent, despite being aware of the



status of the Section 34 proceedings, obtained an order of attachment in a separate execution proceeding (Execution Petition No. 412 of 2023) arising out of a distinct agreement between the parties, allegedly by suppression of material facts. Pursuant to such order, a leased property of the Petitioner, situated outside the territorial jurisdiction of the executing court, came to be sealed on 30.09.2024. Upon an application filed by the Petitioner, the executing court directed de-sealing of the said property by order dated 01.10.2024.

2.5 In Execution Petition No. 413 of 2023, the Respondent further sought directions for disclosure of assets under Order XXI Rule 41 of the Code of Civil Procedure. The Petitioner raised preliminary objections, inter alia, as regards territorial jurisdiction and maintainability. By order dated 12.08.2025, the executing court upheld the preliminary objections and dismissed the execution petition on the ground that no assets of the Petitioner were shown to exist within its territorial jurisdiction. The Respondent challenged the said order before this Court by way of Special Civil Application No. 15273 of 2025. By judgment dated 24.12.2025, this Court set aside the order dated 12.08.2025 and directed the executing court to

decide the matter in accordance with Order XXI Rule 41 CPC, along with expeditious disposal of the Section 34 proceedings.

2.6 Pursuant thereto, the executing court resumed proceedings on 16.01.2026. The Petitioner filed an affidavit dated 20.01.2026 disclosing its assets and liabilities as per audited records as on 31.03.2025. Subsequently, by mutual consent recorded on 04.02.2026, the Petitioner filed an additional affidavit on 09.02.2026 disclosing its bank balances as on 31.01.2026, indicating an aggregate balance of approximately Rs. 6.81 crores. A joint pursis was, thereafter, filed on 10.02.2026 recording compliance with the directions under Order XXI Rule 41 CPC. Meanwhile, the Section 34 petition came to be dismissed by the Commercial Court, Ahmedabad, by judgment and order dated 09.02.2026, inter alia on the ground of lack of territorial jurisdiction. The Petitioner sought stay of the said order, which was granted for a limited period of three weeks.

2.7 Thereafter, the Respondent filed an application dated 10.02.2026 under Section 36 of the Act seeking enforcement of the award for an amount of Rs. 2,49,54,096/- (inclusive of interest) and prayed for attachment of the Petitioner's bank



account maintained with Axis Bank, New Delhi. The executing court, by order dated 11.02.2026, allowed the application.

2.8 On the same date, the Petitioner moved an application seeking stay of the said order and expressed willingness to deposit Rs. 50,00,000/-. The executing court, while considering the same, directed the Petitioner to deposit 50% of the awarded amount along with interest within seven days and granted a limited stay of one week on the operation of the impugned order.

3. Aggrieved and dissatisfied with the impugned orders dated 11.02.2026, the Petitioner has instituted the present petition, inter alia, seeking quashing and setting aside of the said orders, along with a prayer for grant of interim relief by way of stay of their operation and implementation.

4. The central thrust of the arguments of Mr. Soparkar and Mr. Vyas, learned Senior Advocates for the Appellant, was that the bank account concerned is physically located at Delhi and therefore, outside the territorial jurisdiction of the learned Commercial Court. Consequently, no order pertaining to the operation of the said account could have been passed by the learned Commercial Court.



4.1 Mr. Soparkar further submitted, drawing the analogy of de-materialized shares, that the learned Commercial Court has erred in arriving at a finding that merely because an account holder can access one's account from mobile applications etc., the interpretation of the impugned judgment and order at paragraph No. '9' of the core banking system will be destructive of all known principles of territorial jurisdiction. Mr. Soparkar summed up by submitting that since the money in the account is being held in the branch at Delhi, only the concerned executing Court at Delhi will have territorial jurisdiction to direct freezing of the account held in the name of the appellant.

5. Having perused the material on record and the pleadings before us, we are of the considered opinion that the submissions of the appellant deserve to be rejected and the impugned judgment and order does not require any interference within our supervisory jurisdiction under Article 227 of the Constitution of India.

6. The learned Commercial Court had categorically arrived at the findings in paragraph No. '8' of the impugned judgment which need reproduction for the sake of clarity of discussion



hereinafter :-

*“It is further submitted by the Judgment Creditor that the registered branch of AXIS Bank is situated at "Trishul" 3<sup>rd</sup> Floor, Opposite Samartheshwar Temple, Near Law Garden, Ellisbridge, Ahmedabad, Gujarat-380006 and the branch is an extension of the parent banking institution, not a separate legal entity, functioning under the main bank's authority. Branches operates under the umbrella of the main bank and they do not have distinct incorporation and they are not separate entities, and they act as an agent of the main entity and considering the fact that the registered office of AXIS Bank falls within the territorial jurisdiction of this Court.”*

7. This Court had repeatedly put pointed questions to both Mr. Soparkar and Mr. Vyas, learned Senior Advocates who had addressed us in tandem as to whether the aforesaid finding/factual basis that the registered office of AXIS Bank fell within the territorial jurisdiction of the learned Commercial Court could be disputed by the appellant? Unfortunately, the same could not be controverted by the learned Counsel. Therefore, this Court will proceed on the assumption that the impugned judgment and order has been passed on the undisputed foundational fact that the registered office of the Bank on which a direction to freeze an account held by such Bank, indeed lies within the territorial jurisdiction of the learned Commercial Court. Once the aforesaid fact is undisputed, then, by necessary implication,



the reasoning at paragraph No. '9' of the impugned judgment and order cannot be faulted. The relevant portion of the reasoning of the learned Commercial Court is reproduced hereinunder :-

*"Here, the amount lying with the bank account to the Judgment Debtor maintained with AXIS Bank, is now part of core banking system. Therefore, account holder can access account from any branch, across the country. Not only that the account holder can access the bank account by using Mobile Application, throughout the country, anywhere. Therefore, the amount lying in the bank account, could not be termed that it is situated at particular branch, because the account holder can access it from any branch, across the country. The Court is inclined to interpret the core banking system, in such a way that it could not frustrate the execution proceedings"*

8. In such circumstances, we find no infirmity which requires the interdiction of this Court into the findings of the learned Commercial Court, impugned before us. In the case of **P. Suresh v. D. Kalaivani & Ors.**, reported in **2026 SCC OnLine SC 143**, the Hon'ble Apex Court reiterated the nature and limits of Article 227 of the Constitution of India. It reads as under:-

*"5. Article 227 of the Constitution invests the power of superintendence over all courts by the High Court. Sub-Article(1) thereof provides that every High Court shall have superintendence over all courts and tribunals throughout the territories in relation to which it exercises jurisdiction. As per sub-Article(2), without prejudice to the generality of the*



provisions in sub-Article (1), the High Court may (a) call for returns from such courts; (b) make and issue general rules and prescribe forms for regulating the practice and proceedings of such courts and (c) prescribe forms in which the books and accounts etc. to be kept by the officers of courts. As per sub-Article (3), the High Court may also settle tables of fees. Sub-Article (4) provides that nothing in the Article shall deem to confer on a High Court powers of superintendence over any court or tribunal constituted by or under any law relating to the Armed Forces.

5.1 The scope, ambit, amplitude and nature of the powers of a High Court under Article 227 of the Constitution are discussed and delineated by this Court in catena of decisions. Article 227 is perceived to be a custodian of justice, which is in the nature of extraordinary supervisory powers, discretionary in nature. In *Shalini Shyam Shetty vs. Rajendra Shankar Patil*, this Court cautioned that an improper and frequent exercise of this power will be counterproductive and would divest this extraordinary power of its strength and vitality. It was observed that this discretionary power has to be exercised very sparingly.

5.1.1 The reserve of exceptional power of judicial intervention is not to be exercised just for granting of relief in individual cases but should be directed for the promotion of public confidence in the administration of justice. It is emphasized that though the power under Article 227 may be unfettered, its exercise is subject to high degree of judicial discipline. The Court observed in *Shalini Shyam Shetty (supra)*, 'The power of interference under Article 1 (2010) 8 SCC 329 227 is to be kept to the minimum to ensure that the wheel of justice does not come to halt and the foundation of justice remains pure and unpolluted in order to maintain public confidence in the functioning of the tribunals and courts subordinate to the High Court.'

5.2 Similarly, in ***State vs. Navjot Sandhu***, the powers of the High Court under Article 227 came to be explained by this Court observing that the powers available to the High Court under Article 227 of the Constitution are not meant for and not to be exercised just for the purpose of correcting errors. It was held:



*'It is settled law that this power of judicial superintendence, under Article 227, must be exercised sparingly and only to keep subordinate courts and tribunals within the bounds of their authority and not to correct mere errors. Further, where the statute bans the exercise of revisional powers it would require very exceptional circumstances to warrant interference under Article 227 of the Constitution of India since the power of superintendence was not meant to circumvent statutory law. It is settled law that the jurisdiction under Article 227 could not be exercised "as the cloak of an appeal in disguise.'" (Para 28)*

9. Therefore, after a careful perusal of the record and respectfully following the guidelines for interference under Article 227 of the Constitution of India, as laid down by the Hon'ble Apex Court in the case of **P. Suresh** (Supra), the present petition stands dismissed. No order as to costs.

**(SUNITA AGARWAL, CJ)**

BINA SHAH

**(D.N.RAY,J)**



**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**

**R/SPECIAL CIVIL APPLICATION NO. 2203 of 2026**

=====

M/S OYO HOTELS AND HOMES PRIVATE LIMITED (FORMERLY  
KNOWN AS ALCOTT TOWN PLANNERS PVT. LTD.)

Versus

M/S MERIDIAN HOTELS PRIVATE LIMITED

=====

Appearance:

THAKKAR AND PAHWA ADVOCATES(1357) for the Petitioner(s)

No. 1

MR.ANEESH S.SADHWANI(18182) for the Respondent(s) No. 1

=====

**CORAM:HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE  
SUNITA AGARWAL  
and  
HONOURABLE MR.JUSTICE D.N.RAY**

**Date : 19/02/2026**

**ORAL ORDER  
(PER : HONOURABLE THE CHIEF JUSTICE  
MRS. JUSTICE SUNITA AGARWAL)**

Heard Mr. Saurabh Soparkar, learned Senior Advocate with Mr. Dhaval Vyas, learned Senior Advocate assisted by Mr. Ravi Pahwa, learned advocate for Thakkar and Pahwa Advocates for the petitioner and Mr. Paras Sukhwani, learned advocate with Mr. Aneesh S. Sadhwani, learned advocate for the respondent.

Dismissed. Reasons to follow.

**(SUNITA AGARWAL, CJ )**

**(D.N.RAY,J)**

BIJOY B. PILLAI