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\$~15 to 17, 19

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

Date of Decision : 01.04.2026

+ O.M.P. (COMM) 479/2025, I.A. 28435/2025 (Stay) & I.A. 28436/2025 (Ex.)

M/S SPLENDOR LANDBASE LIMITEDPetitioner
Through: Mr. Praveen Kumar, Mr. Sarthak Gupta & Mr. Suman Raj, Advs.

versus

M/S NTT DATA GLOBAL DELIVERY SERVICES PRIVATE LIMITEDRespondent
Through: Mr. Vikas Tomar and Mr. Nimish Mishra, Advs.

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+ O.M.P. (COMM) 480/2025, I.A. 28437/2025 (Stay) & I.A. 28438/2025 (Ex.)

M/S SPLENDOR LANDBASE LIMITEDPetitioner
Through: Mr. Praveen Kumar, Mr. Sarthak Gupta & Mr. Suman Raj, Advs.

versus

M/S NTT DATA GLOBAL DELIVERY SERVICES PRIVATE LIMITEDRespondent
Through: Mr. Vikas Tomar and Mr. Nimish Mishra, Advs.

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+ O.M.P. (COMM) 481/2025 & I.A. 28439/2025 (Ex.)



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M/S SPLENDOR LANDBASE LIMITEDPetitioner
Through: Mr. Praveen Kumar, Mr.
Sarthak Gupta & Mr. Suman
Raj, Advs.

versus

M/S NTT DATA GLOBAL DELIVERY SERVICES
PRIVATE LIMITEDRespondent
Through: Mr. Vikas Tomar and Mr.
Nimish Mishra, Advs.

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+ O.M.P. (COMM) 483/2025, I.A. 28442/2025 (Stay) & I.A.
28443/2025 (Ex.)

M/S SPLENDOR LANDBASE LIMITEDPetitioner
Through: Mr. Praveen Kumar, Mr.
Sarthak Gupta & Mr. Suman
Raj, Advs.

versus

M/S NTT DATA GLOBAL DELIVERY SERVICES
PRIVATE LIMITEDRespondent
Through: Mr. Vikas Tomar and Mr.
Nimish Mishra, Advs.

**CORAM:
HON'BLE MR. JUSTICE HARISH VAIDYANATHAN
SHANKAR**

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JUDGEMENT (ORAL)

HARISH VAIDYANATHAN SHANKAR, J.

1. The present batch of five objection petitions, being O.M.P.



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(COMM) 479/2025, O.M.P. (COMM) 480/2025, O.M.P. (COMM) 481/2025 and O.M.P. (COMM) 483/2025, filed under Section 34 of the **Arbitration and Conciliation Act, 1996**¹, assail the respective **amended arbitral awards, all dated 05.07.2025**², passed by the learned Sole Arbitrator.

2. At the outset, learned counsel for the Respondent raises a preliminary objection in all these petitions, except *O.M.P. (COMM) 481/2025*, contending that an award rendered in respect of a claim is clearly distinguishable from an award rendered in respect of a counterclaim.

3. In pursuance thereof, he submits that the Impugned Award(s) insofar as they deal with the claims and counter-claims, partake the character of separate awards, notwithstanding the fact that a singular reference number was assigned and that the pleadings, evidence and documents were common and formed part of the same proceedings.

4. Learned counsel for the Respondent further contends that, upon the Petitioner taking the necessary steps with respect to the challenges to the respective claims and counterclaims, *namely*, by filing separate petitions, the valuation of at least one of the matters would fall below ₹2 crores, thereby placing the dispute outside the pecuniary jurisdiction of this Court.

5. To support his case, he places reliance on Section 36(1) of the A&C Act to contend that an arbitral award is enforceable in the same manner as if it were a decree of the Court. In view thereof, it is submitted that the Impugned Award, insofar as it pertains to claims and counter-claims, is required to be assailed by way of separate

¹ A&C Act



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petitions and cannot be conflated into a singular challenge under Section 34 of the A&C Act. Section 36(1) of the A&C Act is reproduced herein below for ready reference:

“36. Enforcement. - (1) Where the time for making an application to set aside the arbitral award under section 34 has expired, then, subject to the provisions of sub-section (2), such award shall be enforced in accordance with the provisions of the Code of Civil Procedure, 1908 (5 of 1908), in the same manner as if it were a decree of the court.”

6. He further relies upon the judgment of the High Court of Himachal Pradesh in *Ramesh Chand v. Om Raj & Ors.*³, in particular paragraph 42(iv) thereof, wherein it has been held that a suit and a counterclaim, even if disposed of by a common judgment, are required to be challenged by way of separate appeals. Paragraph 42(iv) of the said judgment is reproduced herein below:

“42. The principles deducible from the afore-discussed law can be summarized as follows:

(iv) When both the suit and the counter claim are decreed by a common judgment, regardless of whether separate decree has been prepared in the counter claim, both would be required to be challenged by separate appeals;”

7. He also refers to the judgment passed by a coordinate bench of this Court in *Ejaz Ahmed Aslam v. Mohammad Azim Ahmed*,⁴ in particular Para 12 thereof, wherein a separate decree was passed in respect of the counter-claim. For ready reference, Para 12 of the said judgement is reproduced hereinunder:

“12. I am of the opinion that a separate appeal was required to be filed against the decree allowing the counter-claim and am supported in this view by *Rajni Rani v. Khairati Lal*, (2015) 2 SCC 682 holding, (i) a counter-claim preferred by the defendant in

² Impugned Award(s)

³ 2022 SCC OnLine 2094

⁴ 2018 SCC OnLine Del 12284



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a suit is in the nature of a cross-suit and has an independent status; and, (ii) the Court is required to pronounce a final judgment in the same suit, both on the original claim and also on the counter-claim. Reference may also be made to *Deepak Mitra v. United Bank of India*, 2012 SCC OnLine All 2255, *Yellappa v. Hussainsab Fakrusab Angadi*, 2014 SCC OnLine Kar 12546, *Satnam Singh v. Mohan Singh*, 2016 SCC OnLine HP 2813, *Jethu Singh v. Board of Revenue* and *Darayas Bamanshah Medhora v. Nariman Bamansha Medhora*, AIR 2002 Guj 166.”

8. In pursuance of the foregoing, learned counsel for the Respondent, placing reliance on the aforesaid judgments, submits that since an award passed in arbitral proceedings is enforceable as a decree of the Court, the Impugned Award, insofar as it pertains to the claims, stands *contra-distinct* from that pertaining to the counterclaims. It is thus contended that the two cannot be conflated or made the subject matter of a singular proceeding under Section 34 of the A&C Act, and would instead require independent challenges.

9. *Per contra*, Mr. Praveen Kumar, learned counsel for the Petitioner, controverts the stand taken by the learned counsel for the Respondent.

10. He contends that, in fact, under Section 12(2) of the Commercial Courts Act, 2015, the jurisdiction of a court is determinable on the basis of both the claim as well as the counter-claim.

11. Learned counsel for the Petitioner then refers to and relies upon Para 34 of the judgment of the High Court of Calcutta in *Damodar Valley Corporation v. AKA Logistics Private Limited*⁵, which reads as follows:

“34. Thus, the requirement of the CPC that, each decree being a final adjudication of the rights between the parties would be

⁵ A.P. (COM) 166/2025



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appealable separately, cannot be imported into a challenge of a composite award. Section 96 of the CPC provides the right of appeal from every decree passed by a court exercising original jurisdiction. Thus, if multiple decrees are drawn in one suit, each decree has to be appealed from separately, failing which, the unappealed decree attains finality. CPC requires that once a judgment is pronounced, the court must draw up a decree. The decree is the formal operative instrument that conclusively determines the rights of the parties to the suit. It is the decree and not the judgment which is appealable under Section 96 CPC, whereas it is the award which is under challenge under Section 34 of the said Act, as a whole.”

12. He thus places reliance on the aforesaid judgment to contend that what is appealable is the arbitral award itself, and not the decree that may ensue upon its enforcement. He submits that the requirements and procedural framework under the **Code of Civil Procedure, 1908**⁶ are fundamentally distinct from the manner in which an arbitral award is to be construed, challenged, and adjudicated under the A&C Act.

13. This Court has heard learned counsel for the parties and, with their able assistance, perused the material placed on record.

14. At the outset, it is necessary to note that the judgment relied upon by learned counsel for the Respondent, in support of the preliminary objection, has been rendered in the context of the provisions of the CPC. The said judgment neither arises under nor considers the statutory framework of the A&C Act.

15. It is pertinent to note that both statutes, the CPC and the A&C Act, operate in distinct fields and are guided by fundamentally different legislative objectives and procedural schemes.

16. While the CPC governs the adjudication of civil disputes through courts in a structured and hierarchical system of suits,



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appeals, and revisions, the A&C Act constitutes a self-contained and special legislation aimed at facilitating the expeditious, efficient, and final resolution of disputes through arbitration, with minimal judicial intervention. The legislative intent underlying the A&C Act is to ensure finality of arbitral awards and to circumscribe the scope of court interference. Consequently, any precedent rendered in the context of the CPC cannot be applied mechanically to proceedings under the A&C Act without a careful examination of its relevance within the arbitral framework.

17. Secondly, a conjoint reading of Sections 34 and 36 of the A&C Act makes it abundantly clear that an arbitral award does not *ipso facto* assume the status of a decree upon its pronouncement. Under the statutory scheme, an award becomes enforceable as a decree only once it has attained finality in the manner contemplated under the A&C Act.

18. In this backdrop, the Respondent's reliance on judgments pertaining to decrees passed in civil suits, whether rendered by Coordinate Benches or other High Courts, is clearly misplaced. Such judgments proceed on the footing that a decree has already come into existence and is thereafter subjected to appellate scrutiny within the framework of the CPC. In contrast, the present proceedings concern a challenge to an arbitral award at a pre-enforcement stage. The analogy sought to be drawn by the Respondent is, therefore, inapposite and unsustainable.

19. A bare reading of Section 36(1) of the A&C Act reinforces this position. The provision stipulates that an arbitral award "*shall be*

⁶ CPC



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enforced in accordance with the provisions of the Code of Civil Procedure, 1908, in the same manner as if it were a decree of the Court". The use of the expression "*as if*" is of determinative significance, as it creates a legal fiction. It is a settled principle of law that such a fiction must be construed strictly and confined to the purpose for which it is created.

20. In the present context, the fiction operates only to enable the enforcement and execution of an arbitral award by borrowing the procedural machinery of the CPC. It does not equate an arbitral award to a decree for all purposes, nor does it import the entire procedural regime of the CPC into arbitral proceedings. Significantly, it does not govern or alter the manner in which an arbitral award may be challenged, which remains exclusively regulated by Sections 34 and 37 of the A&C Act.

21. Although at a superficial level, certain procedural aspects of the CPC and the A&C Act may appear analogous, the two statutory regimes are neither coextensive nor interchangeable. The nature and scope of a challenge to a civil decree are fundamentally different from those applicable to an arbitral award. A first appeal under the CPC entails a comprehensive rehearing on facts as well as law, enabling the appellate court to reappreciate evidence and arrive at its own conclusions. Even a second appeal, though narrower, permits interference on substantial questions of law.

22. In stark contrast, the jurisdiction exercised by a court under Section 34 of the A&C Act is narrowly circumscribed and does not permit a re-examination of the merits of the dispute. The Court is confined to examining the award on limited statutory grounds, such as



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patent illegality, violation of principles of natural justice, or conflict with public policy. Similarly, the appellate jurisdiction under Section 37 is even more restricted, being limited to assessing whether the court exercising jurisdiction under Section 34 has acted within the bounds of law.

23. It is, therefore, evident that an arbitral award, at the stage of challenge under Section 34 of the A&C Act, does not metamorphose into a decree. The transformation contemplated under Section 36 is conditional and occurs only upon the lapse of the prescribed limitation period or upon the culmination of challenge proceedings in accordance with the A&C Act. Until such time, the award retains its distinct legal character.

24. In view of the foregoing, the contention advanced by learned counsel for the Respondent, which seeks to equate an arbitral award with a decree even at the pre-enforcement stage, is untenable in law and liable to be rejected.

25. In the present case, it is an undisputed position that the respective awards concerning claims and counter-claims arise out of a singular arbitral reference, wherein a common reference number was assigned, and the pleadings, evidence, and documents formed part of the same composite proceedings. The awards have been rendered on the same day by the learned Arbitrator, on the basis of an identical factual matrix and interconnected issues. In such circumstances, the fragmentation of challenges, as suggested by the Respondent, would be artificial, unwarranted, and unduly cumbersome, not only for the parties but also for this Court.

26. Accordingly, the preliminary objection raised with respect to



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the maintainability of the present petitions is rejected, and the petitions are held to be maintainable in their present form.

27. At this stage, learned counsel for the Respondent submits that though he has filed the reply to these Petitions, the same has not come on record due to the fact that they were filed belatedly.

28. If the delay is the only reason, the Registry is directed to take the same on record.

29. Learned counsel for the Petitioner submits that the rejoinder to the Reply filed by the Respondent is yet to be filed.

30. Let the same be filed within a period of three (03) weeks from today.

31. Accordingly, list on 12.08.2026.

32. A photocopy of the Order passed today be kept in the connected matters.

HARISH VAIDYANATHAN SHANKAR, J.
APRIL 01, 2026/ v/va/sg