



2026:DHC:1659-DB



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

+ EFA(COMM) 6/2026

M/S KEW PRECISION PRIVTAE LIMITED

THROUGH MR. KUNAL BHUNSALIAppellant

Through: Mr. Samman Vardhan Gautam,
Ms. Khushi Sharma, Mr. Priyam Tiwari, Ms.
Anshika Priyadarshini, Advocates

versus

INTEC CAPITAL LIMITEDRespondent

Through: Mr. Pranav Goyal, Ms. Pooja
Chaudhary, Mr. Vishant Singh and Ms.
Mreeganka Goyal, Advocates

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

HON'BLE MR. JUSTICE OM PRAKASH SHUKLA

ORDER (ORAL)

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20.02.2026

C. HARI SHANKAR, J.

1. This appeal is directed against order dated 16 February 2026 passed by the learned District Judge (Commercial Court)-06, rejecting the appellant's objection, under Section 47 of the Code of Civil Procedure, 1908¹ to the appointment of the arbitrator having been unilateral, on the ground that such a ground could not be taken in execution, and that the ground, if at all had to be raised in a challenge under Section 34 of the Arbitration and Conciliation Act, 1996.

¹ 'CPC', hereinafter



2. The learned Commercial Court has relied on the judgment of a learned Single Judge of this Court in *Anglo-American Metallurgical Coal (P) Ltd. v. MMTC Ltd*².
3. That decision was carried to the Supreme Court and the Supreme Court, in its judgment reported as *MMTC Ltd. v. Anglo-American Metallurgical Coal (P) Ltd.*³ following *Electrosteel Steel Limited v. ISPAT Carrier Private Limited*⁴, has held that objections which go to the route of the arbitrator's jurisdiction could be raised even in execution proceedings. The view of the learned Single Judge to that effect has thereby been reversed, though the learned Supreme Court thereafter proceeded to examine the matter on merits and to hold against the appellant before it.
4. In that view of the matter, the ground on which the learned Commercial Court has not suited the appellant is clearly unsustainable.
5. Mr. Pranav Goyal, learned counsel for the respondent, also fairly agrees that the matter may be remanded to the learned Commercial Court for a decision on merits.
6. Accordingly, the impugned order is quashed and set aside. The objections filed by the appellant would now proceed for further adjudication uninfluenced by the impugned order.

² 2025 SC OnLine Del 3201

³ 2025 SCC OnLine SC 2328

⁴ (2025) 7 SCC 773



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7. The appeal is allowed in the aforesaid terms.

C. HARI SHANKAR, J

OM PRAKASH SHUKLA, J

FEBRUARY 20, 2026/yg