

**CASE UPDATE****Gujarat High Court Dismisses GPCL Writ Petition Against Arbitral Tribunal Order in TPREL Dispute on Grounds of Maintainability**

SKV Law Offices secured a significant ruling on 11.09.2025, the Hon'ble Gujarat High Court dismissed a writ petition filed by Gujarat Power Corporation Limited (**GPCL**) against Tata Power Renewable Energy Limited (**TPREL**). The Court found that the petition was not maintainable, reaffirming the principle that arbitral autonomy cannot be undermined by recourse to writ jurisdiction except in the rarest of rare cases.

The matter arose from ongoing arbitral proceedings between the parties in connection with disputes under the Implementation and Support Agreements (**ISA**) for solar power projects in Dholera, Gujarat. TPREL had initiated arbitration seeking claims against GPCL for failure to provide necessary infrastructure and support as per the agreed contractual framework. During the course of proceedings, GPCL sought to amend its Statement of Defence (**SOD**) to introduce new documents and contentions, after the trial had already begun. The arbitral tribunal rejected GPCL's application under Section 23(3) of the Arbitration and Conciliation Act, 1996, read with Order VI Rule 17 of the Code of Civil Procedure, 1908, citing lack of due diligence and inordinate delay.

Aggrieved by this procedural order, GPCL invoked the writ jurisdiction of the High Court under Article 227 of the Constitution of India. Its case rested on the proposition that the arbitral tribunal erred in applying principles akin to Order VI Rule 17 of the Code of Civil Procedure, 1908, while declining the proposed amendment of the SOD. GPCL contended that the tribunal's order was manifestly perverse and that the order warranted judicial interference to prevent denial of fair opportunity.

TPREL argued that the writ petition constituted a direct strike on the autonomy of arbitral proceedings. TPREL highlighted that the Arbitration and Conciliation Act is a complete and self-contained code, which provides specific and limited avenues for challenge to arbitral orders under Sections 34 and 37. Permitting intervention under Article 227 in relation to procedural rulings would create an undesirable precedent, effectively allowing parties to derail arbitral timelines by seeking judicial review at every stage.

The submissions drew heavily from established jurisprudence, including the Supreme Court's decision in *SBP & Co. v. Patel Engineering Ltd.*

(2005) and *Bhaven Construction v. Executive Engineer, Narmada Nigam Ltd.* (2022), both of which underscore that arbitral orders are not open to supervisory correction by High Courts except for instances where a party is left wholly remediless or of manifest perversity. TPREL contended that none of these narrow exceptions applied to the facts of the case, since GPCL had the statutory remedy of raising its grievances at the stage of a Section 34 challenge to the eventual award and since the order was well-reasoned and within the arbitral tribunal's discretionary powers, it could not be manifestly perverse.

The High Court accepted that permitting the writ petition would have the effect of dismantling the efficiency of arbitration by inviting judicial interference at an interim stage. Arbitration, by its very design, aims to provide a time-bound, final and binding dispute resolution mechanism insulated from protracted judicial oversight. Any departure from this statutory scheme would be contrary to legislative intent and settled judicial authority.

In dismissing the writ petition, the Gujarat High Court reinforced the principle that parties cannot bypass the statutory remedies embedded in the Arbitration and Conciliation Act by seeking recourse to constitutional jurisdiction for every adverse order. The decision underscores that the threshold for writ interference in arbitral matters remains exceptionally high and limited only to circumstances where a party is left without remedy or where an order suffers from patent perversity. The ruling carries significant implications for ongoing and future arbitral proceedings.

For TPREL, the dismissal of GPCL's petition marks a decisive procedural victory. The ruling clears the path for the arbitral tribunal to continue proceedings without external interference, ensuring that the dispute will be adjudicated on its merits within the framework envisaged under the Arbitration and Conciliation Act.

Click [here](#) to read the Judgment.

*TPREL was represented before the Gujarat High Court by Shryeshth Ramesh Sharma, Senior Partner, Akash Lamba, Senior Associate and Kunal Veer Chopra, Associate from the SKV Law Offices team.*