

SUPREME COURT OF INDIA

SKV Law Offices secures much-needed interim relief before Supreme Court for Tata Power against an arbitral order

September 2026, New Delhi: SKV Law Offices successfully represented Tata Power before the Supreme Court in a Special Leave Petition challenging the judgment of the High Court of Jammu & Kashmir and Ladakh, which had declined to interfere with an arbitral order under Article 226/227 of the Constitution of India as not maintainable. The writ petition was filed challenging an Arbitral Order passed under Section 26 of the A&C Act appointing an Expert Committee to inspect the sites wherein Tata Power has installed solar PV power plants in the Union Territory of Jammu and Kashmir after the award was reserved. By its order dated 10.09.2026, the Supreme Court issued notice and directed status quo to be maintained until further orders.

Background

Tata Power was awarded contracts in 2021 by the State Procurement and Supplies Agency (SPSA), UT of Jammu & Kashmir, for installation of Off-Grid Solar PV Power Plants at Panchayat Ghars across 20 districts. Following non-payment of dues, Tata Power terminated the contracts on 08.06.2023, and invoked arbitration.

A similar application filed by SPSA under Section 26 of the A&C Act for physical site inspection was dismissed on 23.12.2025 with limited liberty. SPSA filed a renewed Section 26 application, and Arbitral Tribunal despite reserving the award on 28.03.2026, allowed the renewed Application on 20.04.2026, constituting an Expert Committee to inspect all 1,013 sites. The High Court dismissed Tata Power's writ petition on

07.08.2026, citing the limited scope of interference with interlocutory arbitral orders.

Submissions made by Tata Power

Tata Power was represented by SKV Law Offices, led by Mr. Dhruv Mehta, Senior Advocate. Tata Power submitted that the impugned Arbitral Order is perverse and that it accordingly falls within the recognised exception to the general rule of non-interference, thereby the High Court ought to have exercised its supervisory jurisdiction under Articles 226/227 and should have interfered with the impugned Arbitral Order. Tata Power does not have an alternate remedy of Section 34 as Section 26 order is not appealable and Section 34 remedy can only be exercised after the Award is passed. Nonetheless the Section 34 court cannot re-appreciate the Expert Committee's findings once they form the basis of the award.

It was urged that the Section 26 Application, entertained by Arbitral Tribunal after reserving the award on unpleaded material, amounted to a de facto amendment of pleadings, re-agitated relief already declined by Arbitral Tribunal on 23.12.2025. It was further submitted that the condition of the sites in 2026, nearly three years after termination and hand-over, cannot paint the true picture of the sites in 2026, a position the High Court had itself acknowledged, while SPSA's own communications of 2024 had affirmed completion of the project.

Decision of the Court

The Supreme Court comprising of B.V. Nagarathna, J. and R. Mahadevan, J. issued notice to the respondents and directed that status quo be maintained until further orders.

Significance

The order preserves the position pending adjudication of important questions on whether an arbitral tribunal may constitute an expert committee after reserving its award on unpleaded material, and on the scope of Article 227 where the statutory remedy is illusory.

SKV Team

The SKV team was led by Mr. Shryeshth Ramesh Sharma (Senior Partner), Mr. Akash Lamba (Counsel), Mr. Vedant Choudhary (Senior Associate) and Mr. Nilesh Purohit (Associate), of SKV Law Offices, who appeared for the petitioner.

FOR FURTHER INFORMATION PLEASE CONTACT

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