

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**ARBITRATION APPEAL NO. 10 OF 2015
WITH
CIVIL APPLICATION NO. 12 OF 2015
IN
ARBITRATION APPEAL NO. 10 OF 2015**

Manmohan Anand & Ors.

.. Appellants

Vs.

Mr. Nitin Keshav Bhosale

Prop. of Ranvir Enterprises & Anr.

.. Respondents

Mr. Abhishek Pungaliya for the Appellants.

Mr. M.M. Sathaye for Respondent No.1.

CORAM : A.A. SAYED, J.

DATED : 24 APRIL 2015

P.C.

1 Heard learned Counsel for the parties.

2 Admit. Learned Counsel Mr. Sathaye waives service on
behalf of Respondent No.1.

3 By the impugned order dated 3 November 2014 of the District
Court, the Application filed under Section 34 of the Arbitration and
Conciliation Act, 1996 to set aside the Arbitral Award passed by the
Respondent No.2 on 28 June 2007 has been rejected. The operative part
of the Arbitral Award was as follows :-

“ ORDER/AWARD

1. The petition is hereby allowed.
2. Both the parties are hereby directed to implement and execute the agreement dated 15.2.2006 within a 15 days from the date of this award.
3. Any practicing advocate is hereby appointed as a Commissioner to comply and to obtain the permission necessary for conducting the hotel business.
4. Failure to implement the agreement dated 15.2.2006 and to conduct the hotel business within 6 months from the date of this award, opponents are liable to pay the damages worth Rs.1,00,00,000/- (Rs. One crores) and in addition to this expenditure that has been suffered by the petitioner Rs.42,35,694/- (Rs.Forty Two lacs thirty five thousand and six hundred and ninety four only) amounting total Rs.1,42,35,694/- along with the rate of interest on the said amount at 10% p.a. from the date of this award till the realization of the whole amount.
5. Both the parties are liable to pay the cost of arbitration as Rs.25,000/- each to the Arbitrator. The said award has been given on 28th June 2007 & printed on Rs.100/- Stamp paper each & Xerox copy sent to both the parties by U.P.C. and Original copy of Award will be sent to you by registered post in due course with my own seal & signature. ”

4 It is not in dispute that the Appellants have signed the Agreement in question though the Appellants have contended that it is signed under misrepresentation. The Appellants have not disputed before

the Court that under the said Agreement they had initially received certain monthly payments.

5 Conditional upon the Appellants depositing a sum of Rs.42,35,694/- in the District Court within 4 weeks from today, the execution of the Award shall stand stayed.

6 The Civil Application to stand disposed of.

7 Registry to call the record of arbitration proceedings from the Respondent No.2-Arbitrator.

8 Hearing of the Appeal is expedited.

(A.A. SAYED, J.)