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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

ARBITRATION PETITION NO.509 OF 2015

Ajay Agarwal, Proprietor of M/s.Sai Marketing V/s. Le Creuset India Trading Pvt. Ltd.	...Petitioner ...Respondent
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Mr.Sachin Pawar for the Petitioner.

Mr.Vivek Kantawala with Ms.Shivani Khar and Mr.Garang Kanth i/b
Vivek Kantawala & Associates for the Respondent.

CORAM : R.D. DHANUKA, J.
DATE : 15TH SEPTEMBER, 2015.

P.C. :-

1. By this petition filed under section 34 of the Arbitration & Conciliation Act, 1996 the petitioner has impugned the arbitral award dated 27th November, 2014 rendered by the sole arbitrator, allowing some of the claims made by the respondent.

2. Learned counsel appearing for the petitioner states that the petitioner was the sole proprietary concern of Mr.Ajay Agarwal. The respondent (original claimant) however had not impleaded Mr.Ajay Agarwal as a party respondent to the arbitral proceedings. The next submission of learned counsel is that though the respondent had not proved all the claims, the learned arbitrator has awarded

some of the claims. It is submitted that though the learned arbitrator has allowed part of the claims made by the respondent and part of the counter claim made by the petitioner, the learned arbitrator has directed the petitioner to bear the arbitration costs.

3. Insofar as the first submission of learned counsel that Mr.Ajay Agarwal was not impleaded as a party respondent to the arbitral proceedings is concerned, a perusal of the record indicates that the petitioner had not raised any such issue before the learned arbitrator. In any event, the said issue, in my view is totally untenable.

4. Insofar as the second submission of the learned counsel that though the respondent did not prove the claim the learned arbitrator has awarded the claim is concerned, a perusal of the record indicates that the learned arbitrator has considered the documents as well as oral evidence led by the parties and has rendered various findings of fact which are not perverse and thus no interference with such finding of fact is warranted under section 34 of the Arbitration & Conciliation Act, 1996.

5. Insofar as the last submission of the learned counsel that the learned arbitrator ought not to have directed the petitioner to pay costs of the arbitration costs exclusively is concerned, a perusal of the record indicates that substantial part of the claims made by the respondent are allowed by the learned arbitrator. I am thus not

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inclined to interfere with this part of the impugned award. The petition is devoid of merits and is accordingly dismissed. No order as to costs.

(R.D. DHANUKA, J.)

“Certified to be true and correct copy of original signed order.”